

DEPARTMENTS OF TRANSPORTATION, TREASURY AND GENERAL GOVERNMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2004

THURSDAY, MAY 22, 2003

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:46 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Patty Murray presiding.
Present: Senators Campbell, DeWine, and Murray.

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

STATEMENT OF JEFFREY W. RUNGE, M.D., ADMINISTRATOR

OPENING STATEMENT OF SENATOR PATTY MURRAY

Senator MURRAY. Good morning. With the concurrence of the Chair, I am going to open up this committee hearing this morning.

Welcome to all our guests, and I will do my opening statement.

First of all, I want to commend our Chairman, who I understand will be here shortly, for once again holding a very special hearing to focus on our highway safety challenges. I hope we will call this hearing every year to continue to aggressively monitor the progress of the Department of Transportation in reducing the number of accidents and fatalities on our highways.

Unfortunately, the news since our last hearing on this topic has not been good. The latest data shows that for calendar year 2002 at least 42,850 people died on our Nation's highways. That is the highest number since 1990 and it represents an increase in the number of fatalities for the fourth successive year.

Almost 18,000 of these fatalities had their root cause in drunk driving. That is an increase of 3 percent from just last year and marks the third year in a row of increases in alcohol-related highway deaths. These statistics show that the Department of Transportation has missed its stated performance goal for highway safety, a goal that it testified to in last year's hearing.

I think that all of us on this panel will agree that this record is unacceptable and must be reversed. We know what is required to reduce death on our highways. We know what law enforcement methods work and we know what works to change driver behavior. What we do not know is whether we, as a Nation, have the will

to force citizens to stop driving aggressively and to stop driving drunk. And we do not know yet if the Federal Government has the will to commit the necessary resources to change that deadly behavior.

When the lives of Americans are threatened by a danger we take action. We did it after September 11th by dramatically improving airport security. Drunk and aggressive driving poses another threat to all Americans and it is one where we can make a real difference if we are willing to make a commitment.

Each month more than 3,000 people die on our highways. That is an astounding figure and we can reduce it if we make a commitment. I would like to see the same commitment to highway safety as we put on airport safety because we can make a difference and save lives.

Earlier this week the Bush Administration unveiled its "SAFETEA" reauthorization proposal. The administration claims the bill will double the amount of money spent on safety in comparison to the 6-year period covered by the TEA-21 law.

However, a review of the details of the administration's proposal reveals that roughly half of this funding is committed to efforts to construct safer highways. And while the construction of safer highways unquestionably saves lives, there does not appear to be anywhere near that level of growth committed towards programs designed to change driver behavior.

Last week, I participated with Mothers Against Drunk Driving in the commemoration of the 15th anniversary of the worst drunk driving accident in our history. A drunk driver struck a school bus, killing 24 schoolchildren. I met with a few of the parents of those victims as well as a student who survived that crash. I am sorry the entire subcommittee could not participate in that event. I think it would have served as a stark reminder to all of us that each day roughly 49 individuals die as a result of drunk driving in this country.

Given these facts, I am concerned that the President's transportation budget does not adequately address the challenge that we face. For the second year in a row the budget proposes to cut funding for the impaired driving program in NHTSA's operations budget. Together, the Chairman and I served to increase rather than decrease funding for this program in last year's appropriations bill, and I hope that we will do the same again this year.

Also, while the administration is proposing a new \$50 million initiative to reduce drunk driving in those States with the worst record, the legislation eliminates \$150 million in existing programs that are targeted on drunk driving.

Moreover, the administration's new drunk driving grant program gives little direction to the States on how specifically these funds ought to be spent. Recently, the GAO reported that NHTSA has not required much by way of accountability on the part of States in using Federal funds to actually advance highway safety. I think we need to be very suspicious of initiatives that seek to attack the drunk driving problem by sharing revenue with the States with no strings attached.

I must also point out that the President's budget, for the second year in a row, eliminates the funding for the targeted paid adver-

tising initiatives that this committee championed. One of those initiatives, the “Click It or Ticket” program, is targeted on improving seatbelt use. Last year, we started another paid media initiative entitled “You Drink, You Drive, You Lose”. Both of these initiatives are eliminated in the President’s budget.

I hope here again that we can work together with the other members of the subcommittee to continue our leadership in this area whether the administration wants to join us or not.

And finally, I have to say that I am very pleased that Annette Sandberg, our new Federal Motor Carrier Safety Administrator, is here with us today. She and I have worked well together in the past and I look forward to working with you again.

The safety challenges in the motor carrier industry are no different than they are with the average driver. We need to make sure that truck drivers buckle up, drive safely, and drive responsibly. Ms. Sandberg’s experience as the former chief of Washington State’s Highway Patrol makes her uniquely qualified to lead the Federal Motor Carrier Safety Administration.

At this time, I will turn it over to Senator Campbell for an opening statement. And I just would let you know that I have an amendment up on the floor that I am managing right now. I have to leave and hope to come back. I do have questions that I will submit for the record if I get caught and cannot return.

PREPARED STATEMENT

But I do think this is a critical hearing. I think the topic of this discussion is absolutely important and I want to work with all of you to make sure that we address these important safety issues.
[The statement follows:]

PREPARED STATEMENT OF SENATOR PATTY MURRAY

I commend you, Mr. Chairman for once again holding a special hearing to focus on our highway safety challenges. I hope we will call this hearing every year to continue to aggressively monitor the progress of the Department of Transportation in reducing the number of accidents and fatalities on our highways.

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We know what is required to reduce death on our highways. We know what law enforcement methods work, and what works to change driver behavior. What we don’t know is whether we as a Nation have the will to force citizens to stop driving aggressively and to stop driving drunk. And we don’t yet know if the Federal Government has the will to commit the necessary resources to change that deadly behavior.

When the lives of Americans are threatened by a danger, we take action. We did it after the tragic events of September 11th by dramatically improving airport security. Drunk and aggressive driving poses another threat to all Americans, and it’s one where we can make a real difference if we are willing to make a commitment. Each month, more than 3,000 people die on our highways. That’s an astounding figure, and we can reduce it if we make a commitment. I’d like to see the same commitment on highway safety as we’ve put on airport safety, because we can make a difference and save lives.

Earlier this week, the Bush Administration unveiled its so-called "SAFETEA" Re-authorization proposal. The Administration claims the bill will double the amount of money spent on safety in comparison to the 6-year period covered by the TEA-21 law. However, a review of the details of the Administration's proposal reveals that roughly half of this funding is committed to efforts to construct safer highways. While the construction of safer highways unquestionably saves lives, there doesn't appear to be anywhere near that level of growth committed toward programs designed to change driver behavior.

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Thank you Mr. Chairman.

PREPARED STATEMENT OF SENATOR RICHARD C. SHELBY

Senator MURRAY. Senator Shelby has submitted a statement which he would like included for the record.

[The statement follows:]

PREPARED STATEMENT OF SENATOR RICHARD C. SHELBY

Good Morning. The Subcommittee will come to order. I want to thank each of the witnesses for being here today to discuss fiscal year 2004 highway safety initiatives. As we approach Memorial Day, one of the most dangerous weekends for highway travel, I cannot think of a better time to discuss what I believe is a very important, yet all too often overlooked issue.

Last year, 43,000 people died on our Nation's highways and roughly 18,000 of the deaths were in alcohol-related crashes. Just as troubling is the fact that 4.5 million people visit the emergency room each year as a result of a motor vehicle accident. As the leading cause of death in the United States for Americans ages 1 to 35, I believe that this problem has reached epidemic proportions.

Much like the medical community treats cancer or heart disease, we need to develop a plan to research and enact effective, data driven programs to reduce the number of highway fatalities.

I am struck, however, by the lack of scientific method or comprehensive rational approach to combating drunk and drugged driving, to increasing seatbelt use in those demographics that under-perform the national average, or to changing dangerous behavior where we can identify it and isolate it.

Dr. Runge, as a physician you can not possibly subscribe to doing the same thing for an extended period of time if the patient did not improve—you would discontinue treatments that didn't work, prescribe treatments that did work, and try new treatments for conditions that you could identify and diagnose. That is all I am asking you to do here—identify, diagnose, and treat. We must start saving lives.

This year, the Department of Transportation has declared safety to be its No. 1 priority for its current budget request and for its reauthorization proposal, SAFETEA as well. Highway deaths have increased every year for the past 4 years and alcohol-related deaths increased for the third consecutive year, and I agree that there is no greater priority than reversing these alarming trends.

When I look at this budget proposal, I see no new initiatives that help us improve our poor highway safety record. The data tells me that what we are doing is not working, and it is preposterous to believe that we can continue to do the same thing each year and expect a different result. Too many lives are lost while many States, with NHTSA's approval, use their safety grants to use bobble-head dolls, key chains and air fresheners to get the message out without any results. It is beyond me how these trinkets are increasing seat belt usage or deterring impaired driving. I support State flexibility, but trinkets don't save lives. We must change our course if we expect to reduce the carnage on our Nation's highways.

The Administration's goal is to reach a 78 percent usage rate by the end of 2003. However, the budget proposes nothing specific to further increase usage rates and despite the remarkable success of the Click It or Ticket mobilizations, NHTSA has never requested specific funding for the program. It may not be a silver bullet, but I am not aware of another program that is as effective as these campaigns in increasing seat belt usage. To me, that goal rings hollow unless the budget justification outlines the steps we must take to achieve a 78 percent usage rate. This budget does not meet that test.

On the other hand, we are making modest improvement in large truck crashes which continued to decline this year, but much more needs to be done. I think that the data derived from the large truck crash causation study will provide an important blueprint to guide FMCSA in the future.

The Federal Motor Carrier Safety Administration was granted additional authorities with the enactment of the Motor Carrier Safety Improvement Act. FMCSA has a major new management challenge at hand to fully implement the new entrant program, and the first year will be the most difficult in identifying the riskiest operators and monitoring their safety records. I urge FMCSA to work with stakeholders and State enforcement authorities to coordinate and implement the new entrant program. I also encourage you to look into the possibility of designating a Federal tiger team to augment the efforts of the States to investigate the carriers who pose the greatest risks.

Again, I will say that I am disappointed by what I perceive to be a lack of innovative and creative thinking to allow our government to improve highway safety numbers. I appreciate that the responsibility to make our highways safer does not rest solely with your two agencies. In fact, everyone who gets behind the wheel shares some accountability.

Nevertheless, it is important for all agencies within the Department to work together to identify strategies for improvement and implement programs that are effective. If programs have reached a plateau or outlived their usefulness, then we must create and implement new approaches. We cannot sit idly by and hope that highway safety will spontaneously improve.

I look forward to hearing the testimony and am hopeful you will provide additional insight that will prove more promising than what I have seen so far.

Senator MURRAY. Senator Campbell?

STATEMENT OF SENATOR BEN NIGHTHORSE CAMPBELL

Senator CAMPBELL [presiding.] Thank you, Madame Chairman.

I will submit my opening statement for the record and just associate myself with your comments.

It is rather ironic that—maybe ironic is not even the proper word—but we have killed more people on American highways than we did in Iraq during the same time frame we have been involved

in that engagement, and people do not seem to get excited. When one serviceman tragically loses his life in Iraq, we see it on the headlines of every newspaper in America. During that same time frame, as I mentioned, in Iraq, we have lost so many Americans.

I know that we are trying to focus at the State and Federal level on trying to improve devices in the car. We have done it with seatbelts. We have done it with airbags and a number of other things. We are certainly trying, by the highway bills we have passed and the appropriations, to improve the surfaces and the conditions on which people drive and that is great. But I think that we are really not doing as good a job as we could on, as Senator Murray said, on changing the behavior of drivers.

I know some States are taking on, as an example, the use of cellphones and other distractions that have proven to be distracting to a point of increased accidents because of their use. And I know we have dealt with alcohol-related deaths a great deal. And we have done it, I think, an awful lot through the penalty side of the equation. To me we are not doing enough on the side of the equation that requires better training and better education to change that behavior.

So I have about three or four other questions I would also like to ask, but will yield to Senator DeWine if he has an opening statement and then we will go ahead and take testimony.

Senator DEWINE. I have no opening statement. I will have questions.

Senator CAMPBELL. We welcome Dr. Jeffrey Runge, the Administrator of the National Highway Traffic Safety Administration, Ms. Annette Sandberg, who I understand used to be a State Patrolwoman and I was very delighted to hear that. I am sure she brings a great deal of on-the-ground experience to her job as the Acting Administrator of the Federal Motor Carriers Safety Administration. Ms. Wendy Hamilton, the President of Mothers Against Drunk Driving. And finally, to Mr. Chuck Hurley, the Vice President of the National Safety Council and Executive Director of the Airbag and Seatbelt Safety Campaign.

Why don't we just start in that range. If Dr. Runge would like to start. We will take the comments from all of you before we ask some questions.

STATEMENT OF JEFFREY W. RUNGE, M.D.

Dr. RUNGE. Senator Campbell, Senator DeWine, thank you very much for a chance to appear this morning, along with my colleagues from the FMCSA and MADD and the National Safety Council.

This group has spent many hours collaborating on ways to improve highway safety over the years. The fiscal year 2004 budget request is intended to build on successes we have had in the past, as well as address growing national safety priorities.

Over the last 35 years, the fatality rate has been reduced on our Nation's highways from 5.5 fatalities per 100 million vehicle miles traveled (VMT) to its present rate of 1.5 per million VMT. This represents significant progress.

Our programs support Secretary Mineta's departmental goal to reduce this number to 1.0 by 2008. We have an interim target for

2004 of 1.38 fatalities per 100 million VMT. This will be a very challenging target, based on the current trends.

In order to reach these targets, we need the full cooperation of our sister agencies in the administration, of Congress, of State legislatures, and indeed, the will of the Nation.

Under our reauthorization bill, we will use our appropriated grant funds to encourage States to use funds where they can be most effective, as States must share in the accountability with us.

Our proposed fiscal year 2004 budget of \$665 million is performance-based, with clear goals and effectiveness measures, and it emphasizes our five priorities: increasing safety belt use, decreasing impaired driving, vehicle rollover, vehicle compatibility, and traffic records and data improvement. I will talk briefly about each priority, but they are interrelated and their solutions, in many ways, are common.

Safety belt use is our most effective tool in reducing death and injury on the highways. It cuts the risk of death in a crash in half. But you have to wear it. The good news is that belt use reached 75 percent last year, which is a record. But the bad news is that 25 percent of Americans involved in a motor vehicle crash who did not buckle their safety belts resulted in 6,800 preventable deaths and 170,000 hospitalizable injuries. This failure to wear seatbelts cost Americans \$20 billion, mostly in medical costs and lost productivity.

Our national target for next year is 79 percent belt use. Reaching that would save 1,000 lives a year and prevent more than 28,000 injuries. If we reach a 90 percent usage, we will see 4,000 more lives saved every year. This is not a dream. More than 90 percent belt use has been achieved in California, Washington, Hawaii, and Puerto Rico. We know what is required for States to achieve these high levels—primary belt laws, strict enforcement, public education, using paid media and earned media, and our high-profile law-enforcement programs, such as “Click It or Ticket”.

We conducted a highly effective “Click It or Ticket” program in eight southeastern States in 2001. In 2002, we conducted a similar campaign in 30 States, involving media saturation and highly visible enforcement. In the 10 States that completely adopted our model, belt use increased an average of 9 percentage points, with Vermont experiencing a 19 percentage point increase and West Virginia a 15 percentage point increase.

We are now in the middle of our 2003 “Click It or Ticket” national campaign. With the help of this committee, we have national “Click It or Ticket” advertising going on as we speak. This year, 43 States, D.C., and Puerto Rico chose to join the campaign.

But for high visibility enforcement campaigns to work fully, States must have standard safety belt laws. But only 18 currently have them. In fiscal year 2004, NHTSA’s budget proposes a new, primary safety belt incentive grant program that we expect to result in more States enacting primary belt laws.

Regarding impaired driving, preliminary data for 2002 show an estimated 17,970 people dying in alcohol-related crashes, which is 42 percent of total traffic deaths. Alcohol traffic deaths are down 25 percent since 1988, but are 3 percent higher than in 2001. Our

target for 2004 is to reduce the rate of alcohol traffic deaths to 0.53 per 100 million VMT from our 0.64 that we experienced last year.

This will not be done by doing business as usual. We need to focus resources on where they are most needed, encourage States that are doing a good job to keep it up, and to help those States that are not to begin to do a good job.

So, in addition to focusing highly visible law enforcement campaigns in 2004, we are proposing a grant program that will provide additional resources to those States that have particularly severe impaired driving problems.

Rollovers account for less than 5 percent of all vehicle crashes, but one-third of vehicle fatalities. In 2002, 10,000 people died in the United States in rollover crashes, up nearly 5 percent from the previous year. Light trucks, including SUVs and pickups, are most at risk. We began rating vehicles in 2001 for their likelihood of rollover, which correlates closely with experience in real world crashes. The National Academy of Sciences recently evaluated our rollover ratings and found them valuable and accurate, but reported that ratings could be better if we evaluated vehicles in a dynamic rollover test that measures performance in emergency steering. NHTSA's fiscal year 2004 budget proposes to implement that change.

The U.S. fleet has changed dramatically in the last 20 years, producing mismatches between trucks and cars, and while light trucks and vans account for 38 percent of all registered vehicles, they are involved in about half of all two-vehicle crashes involving passenger cars. About 80 percent of the deaths occur in passenger cars. Since light trucks are half of all new vehicle sales today, we cannot delay action to address this problem.

Regarding traffic records, our budget request includes \$10 million to enable us to update NHTSA's crash causation data, last generated in the 1970's. A lot has changed since then—vehicles, traffic patterns, numbers and types of vehicles, on board technologies, and driver demographics. Therefore, we are requesting support for a new traffic records and data improvement program in the States that will provide money where it is needed to support State traffic records.

My final point, we are proposing to restructure our highway safety grants to make the program simpler, smarter, and more effective. We are simplifying the grant delivery system by reducing the number of programs and increasing States' flexibility to use the grant funds.

PREPARED STATEMENT

Mr. Chairman, this concludes my statement. In closing, I would like to thank the committee for its support of our programs in the past. I look forward to working with you in the future.

Senator CAMPBELL. Thank you.

[The statement follows:]

PREPARED STATEMENT OF JEFFREY W. RUNGE, M.D.

Mr. Chairman and members of the Committee: I welcome the opportunity to appear before you to discuss our country's priority highway and motor vehicle safety issues that are administered by the National Highway Traffic Safety Administration (NHTSA). My staff and I look forward to working with this committee in addressing

these issues of great national importance. Today I am pleased to appear with my fellow highway safety colleagues.

In these uncertain times, the American public is looking to the highest levels of government for assurance of its safety. The President has pledged that the safety and security of our citizens is this Nation's highest priority. To that end, the Secretary of Transportation has established transportation safety as the Department's number one priority. NHTSA is pledged to solving the highway safety issues confronting this Nation.

NHTSA's fiscal year 2004 budget request of \$665 million will help us build on past successes to address highway safety. The paramount highway safety goal within the Department is to reduce the fatality rate on our Nation's roadways to no more than 1.0 fatality for every 100 million vehicle miles traveled (VMT) by 2008. This is not just a NHTSA goal; it is a goal of the entire Department of Transportation. Our fiscal year 2004 budget request reflects the resources NHTSA needs if we are to attain this goal, along with the help of our DOT colleagues, the States, and the many non-Governmental organizations that are partners in this effort.

Motor vehicle crashes are responsible for 95 percent of all transportation-related deaths and 99 percent of all transportation-related injuries. They are the leading cause of death for Americans ages 2–33. The total number of highway fatalities has been increasing slightly since 1998, while the rate per vehicle miles traveled has decreased. Preliminary estimates for 2002 indicate that an estimated 42,850 people were killed on America's roads and highways, up 1.7 percent from 2001. The fatality rate per 100 million vehicle miles traveled (VMT) remained unchanged at 1.51, according to these estimates. Collectively, we have much work to do since the Department has established a performance goal of no more than 1.38 fatalities per 100 million VMT by the end of fiscal year 2004.

Traffic injuries in police-reported crashes decreased by four percent in 2002. This is excellent news. But we still are faced with the overwhelming fact that, during that same year, nearly 3 million people were injured in these crashes. The average cost for a critically injured survivor is estimated at \$1.1 million over a lifetime. This figure does not even begin to reflect the physical and psychological suffering of the victims and their families.

Traffic crashes are not only a grave public health problem for our Nation, but also a significant economic problem. Traffic crashes cost our economy \$230.6 billion in 2000, or 2.3 percent of the U.S. gross domestic product. This translates to an average of \$820 for every person living in the United States. Included in this figure is \$81 billion in lost productivity, \$32.6 billion in medical expenses, and \$59 billion in property damage. If safety is our number one priority, our Nation must become more aware of the deaths of nearly 43,000 Americans, the cost of these deaths, and the solutions. Given increased mobility estimates and the likely increase in miles traveled, a failure to improve the fatality rate will result in more than 50,000 Americans killed annually by 2008.

Consequently, our fiscal year 2004 budget request of \$665 million is a performance-based budget with clear goals and measures. In addition, the budget is established around two major performance-based programs: Vehicle Safety and Traffic Injury Control. Program budgets are grouped under their corresponding goals for more efficient use of resources and more accurate performance measurement in meeting each goal. The budget includes measurable performance targets and outputs that clearly demonstrate not only how, but also how well, the budgetary resources are expended.

Before discussing the highlights of our program, I want to describe briefly the restructuring we are proposing for highway safety grants. The fiscal year 2004 budget consolidates all highway traffic safety grant resources provided by TEA-21 (\$447 million) within NHTSA. This includes \$222 million of resources for the Sections 157 and 163 grant programs formerly appropriated in the Federal Highway Administration's budget. NHTSA has administered these funds since their creation; the fiscal year 2004 budget merely proposes that those same funds be appropriated directly to NHTSA.

The grant award process under TEA-21 was very complex and time consuming for the States, and resulted in increased administrative overhead that could otherwise be applied to safety programs. It contained eight programs with various qualification and administrative requirements. NHTSA wants to simplify the system by reducing the number of programs and streamlining the process to qualify for, and administer, grant funds. NHTSA is also tying additional Section 402 funds to a State's highway safety performance, based on performance measures that are aligned with the national highway safety goals. Last week, the Administration released its proposal to reauthorize the surface transportation programs. These reforms are outlined in that proposal.

PROGRAM HIGHLIGHTS

Deaths and injuries can be prevented by building on the proven success of existing programs and, when indicated, developing new programs and evaluating their effectiveness. Within the two broad program areas, our programmatic emphasis for fiscal year 2004 focuses on five priority areas: safety belt and child restraint use, impaired driving, vehicle rollover, vehicle compatibility and traffic records/data collection. We have set up internal Integrated Project Teams (IPTs) in four of these areas to examine the issues and recommend solutions. The teams have recently concluded their work and have developed recommendations for the agency to pursue. Recently, the Secretary reiterated his commitment to implementing a balanced program focused on the 3 Es of Injury Prevention—engineering, enforcement, and education. The IPTs' work reflects the program strategies and options needed to produce such a balanced effort. My statement will address each of these.

Safety Belt and Child Restraint Use

Safety belt use cuts the risk of death in a crash in half. The good news is that in 2002, safety belt use in the United States reached 75 percent—an all-time high. All 50 States, the District of Columbia, and Puerto Rico had child passenger safety laws, and 49 States had adult safety belt laws in effect. As of October 2002, eighteen States, the District of Columbia, and Puerto Rico had primary safety belt laws in effect, meaning that drivers and passengers can be cited for failure to wear a safety belt. The remaining States, except New Hampshire, had laws preventing police from issuing a citation unless another traffic law was broken. These are referred to as secondary laws. New Hampshire continues to have no adult safety belt law. We are pleased to report that, due to immense effort and a successful partnership among government, safety groups, and African-American interest groups, safety belt use among African-Americans increased to 77 percent, a level above that of the general population, and an eight percentage-point increase since 2000. Belt use among those living in rural areas increased to 73 percent in 2002, a five percentage-point gain. However, the bad news is that despite these success stories, we continue to have entrenched and intractable problems that continue to challenge us. Most notably, during 2002, the 25 percent of passenger vehicle occupants who failed to use safety belts cost themselves and America 6,800 preventable deaths and 170,000 preventable injuries, resulting in \$18 billion in medical costs, lost productivity, and other injury-related expenses.

Our safety belt use target for 2003 is 78 percent, and our 2004 target is 79 percent nationwide. These targets are optimistic but achievable. Based on the National Occupant Protection Use Survey (NOPUS) data for 1994–2001, the agency estimates that each year approximately 8.5 percent of non-safety belt users have converted to being regular belt users. Continuing to convert this percentage each year becomes increasingly more difficult because, as the conversion occurs, the hard-core non-users become a higher proportion of the remaining non-users. If we are successful in meeting the 2004 target, an estimated 1,000 more lives would be saved and 28,000 more injuries prevented.

Most passenger vehicle occupants killed in motor vehicle crashes continue to be totally unrestrained. If we were to achieve a national 90 percent belt use, nearly 4,000 additional lives would be saved each year. This usage rate is not only possible, it can be exceeded. For example, in 2002, Hawaii achieved a 90.4 percent use rate, Puerto Rico a 90.5 percent use rate, California a 91.1 percent use rate, and Washington State a 92.6 percent use rate. To achieve these high use targets in the remaining States, NHTSA will need to continue to employ a combination of education, enforcement, and engineering strategies to raise belt use, particularly among the most at risk populations.

States achieve high levels of belt use through enacting primary safety belt laws, strict enforcement of existing laws, public education using paid and earned media, and high profile law enforcement programs, such as the Click it or Ticket campaign. Highway safety research and our continuing evaluation of our programs have demonstrated that an intensive, high visibility traffic enforcement program significantly increases safety belt use.

NHTSA has supported high visibility enforcement for the last decade, following a model that was developed in several States in the early 1990s. With funding authorized under TEA–21 and with support from this Committee, these campaigns have grown tremendously, saving thousands of lives. Following a highly effective Click It or Ticket program in eight southeastern States in 2001, the agency undertook a similar campaign involving media saturation and highly visible enforcement in 30 States in May 2002. In a study of ten States that completely adopted the model, safety belt use was shown to increase an average of nine percentage points,

with one State—Vermont—experiencing a 19 percentage-point increase, followed by West Virginia with a 15 percentage-point increase.

We are in the midst of carrying out the 2003 Click It or Ticket national campaign. This year, 43 States, the District of Columbia, and Puerto Rico qualified for grant funds to support Click It or Ticket campaigns. This year, Congress provided funding for NHTSA to purchase \$10 million of national advertising that will further enhance the benefit of these State and local enforcement campaigns. These ads are currently playing. In addition, the occupant protection program includes demonstrations of new strategies for increasing belt use among high-risk, low-use groups, such as pick-up truck drivers, minorities, and teens. Support for the high visibility enforcement campaigns, together with resources to support paid and earned media and new strategies for reaching high-risk groups, will contribute to achieving our 2003 target and prepare for further gains in coming years.

In fiscal year 2004, NHTSA plans to continue to encourage States to embrace the Click It or Ticket campaign and to begin investigating strategies to assist States with integrating high visibility enforcement into their ongoing routine enforcement. NHTSA has proposed a new primary safety belt law incentive grant program that is expected to result in additional States upgrading their laws, and a performance-based safety belt use rate grant program for States to encourage them to make progress on raising safety belt use. In 2002, States with primary safety belt laws averaged 80 percent use, 11 percentage points higher than those with secondary laws. We are hopeful that by rewarding States for enacting primary safety belt laws or achieving 90 percent use rates, fatalities and injuries in those States will decline. As an additional inducement, we are proposing that the States receiving such incentive awards be permitted to apply those funds to highway safety infrastructure projects contained in the State's Integrated Highway Safety Improvement Program. In addition, the agency will utilize the results of our high-risk group demonstration programs to develop educational programs and materials that are intended to increase use among these populations.

We will continue these high profile programs in fiscal year 2004 because they succeed in reminding the motoring public that using safety belts and child safety seats saves lives, and create an added incentive to wear belts for those who currently break the law. We are serious about reducing the yearly financial toll to America from the failure to wear safety belts.

In addition to our success in raising safety belt use, we have made steady progress in getting more children restrained. Restraint use by young children rose to unprecedented levels in 2002. In 2002, NHTSA's NOPUS survey showed that the rate for child restraint use was 99 percent for infants (under 12 months), 94 percent for toddlers (1–3 years), and 83 percent for children ages 4–7. Our 2002 estimates indicate that fatalities among children ages 0–7 years continued to decline, reaching another historic low. Unfortunately, these data also show an increase in highway deaths for children 8–15 years. The number of occupant fatalities for children in this age range rose by nearly nine percent over 2001.

To comply with the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act's goal of reducing deaths and injuries by 25 percent among 4- to 8-year-olds by 2006, NHTSA published a five-year strategic plan in a report to Congress in June 2002, focusing on improving consumer awareness, booster seat safety benefits, and the enforcement of booster seat laws, as well as a study on the overall effectiveness of booster seats. A November 5, 2002, final rule established a consumer information program to rate child restraints on ease-of-use. The fiscal year 2004 New Car Assessment Program (NCAP) budget request will support child safety seat Ease-of-Use ratings for over 90 percent of the child safety seats on the market. These ratings will be published annually in a brochure and on the Internet, starting this spring.

Impaired Driving

Impaired driving rates have decreased for drivers of all age groups involved in fatal crashes over the past decade, with drivers 25 to 34 years old experiencing the greatest decrease, followed by drivers 16 to 20 years old. However, our 2002 estimates indicate that alcohol-related fatalities rose for the third consecutive year. Preliminary 2002 data indicate that an estimated 17,970 people died in alcohol-related crashes (42 percent of the total fatalities for the year), and even though this is a 25 percent reduction from the 23,833 alcohol-related fatalities in 1988, it is an increase of 3 percent over 2001. We must reduce these statistics even further through more aggressive programs that deter impaired driving.

NHTSA's target for 2004 is to reduce the rate of alcohol related fatalities to 0.53 per 100 million VMT from the current 2002 actual rate of 0.64.

In 2003, the agency is encouraging States to adopt high-profile law enforcement programs, combined with paid and earned media saturation. These programs will combine a high level of sustained enforcement with intense enforcement mobilizations around the July 4 and December holiday periods. As with the Click It or Ticket campaign, these programs will use both paid and earned media to alert the public about the increased risk of arrest if they fail to observe highway safety laws. In fiscal year 2002, Congress provided \$11 million for paid media and \$1 million for evaluation in support of these programs. NHTSA is working intensely with 13 States on this type of high visibility, enforcement-focused campaign. The first of these campaigns was in December 2002 through early January 2003. We are currently collecting the data from these States to determine the overall success of this mobilization on the numbers of deaths and injuries. We appreciate the support of Congress in enhancing these law enforcement campaigns.

In fiscal year 2003, we are also continuing to support State activities to upgrade impaired driving laws. Currently, 39 States, the District of Columbia, and Puerto Rico have enacted laws making it unlawful for a driver to operate a motor vehicle with a blood alcohol concentration (BAC) of .08 percent, up from .08 this time last year. In addition, all States and the District of Columbia now have zero tolerance laws setting the illegal BAC limit at no higher than .02 for drivers under age 21. We will continue to urge strong State legislation as a framework for an effective impaired driving program. In addition, NHTSA is conducting a range of demonstration programs to develop strategies for upgrading prosecution and adjudication processes, and improving impaired driver records systems to track repeat offenders.

NHTSA's fiscal year 2004 impaired driving program will continue to focus on highly sustained and periodic law enforcement campaigns, together with implementing improvements to the prosecution, adjudication, and records systems. We will also be developing additional strategies based in part on what we learn from the You Drink & Drive. You Lose. campaign results. For fiscal year 2004, the agency has proposed a State grant program that will focus resources on a small number of States with high alcohol-related crashes. The grant program will include support for States to conduct detailed reviews of their impaired driving systems by a team of experts and assist them in developing a strategic plan for improving programs, processes, and reducing impaired driving-related fatalities and injuries. This year, we have begun implementing recommendations from the Criminal Justice Summit on Impaired Driving held in November 2002. These include training and legal advice in the prosecution and adjudication of DWI cases, and working with licensing and criminal justice authorities to close legal loopholes. NHTSA will also focus on the increasing rates of motorcycle fatalities, particularly since 37 percent of all motorcycle fatalities are alcohol-related. Finally, in addition to the enforcement campaign and grant program, in fiscal year 2004 we will continue to focus on the most at-risk populations such as youth, 21–34-year-olds, and repeat offenders, and conduct more studies on finding vehicle-based solutions for impaired driving behavior including using the National Advanced Driving Simulator. These studies will be used to refine agency countermeasures and regulatory initiatives.

NHTSA believes that continued nationwide use of sustained high-visibility enforcement, encouraging States to adopt proven remedies and paid and earned media campaigns, together with the targeted State grant program and support activities, will lead to a resumption of the downward trend in alcohol-related fatalities that we experienced over the past decade.

Vehicle Rollover

Rollovers account for less than five percent of all passenger vehicle crashes, but one-third of passenger vehicle occupant deaths. In 2002, an estimated 10,626 people died in the United States in rollover crashes, up 4.9 percent from 10,130 in 2001. This type of crash accounts for less than five percent of all passenger vehicle crashes, but one-third of passenger vehicle occupant deaths. Light trucks (particularly pickup trucks and sport utility vehicles) have a rollover rate significantly higher than passenger cars because light trucks have higher centers of gravity and are more prone to rollover during certain handling maneuvers. Fatalities in rollover crashes involving pickup trucks and sport utility vehicles accounted for 53 percent of the estimated increase in highway fatalities for 2002. Since light trucks account for an increasing portion of total light vehicle sales, deaths and injuries in rollover crashes will become a greater safety problem unless something changes.

One step we have taken (beginning in 2001) is to rate vehicles in our New Car Assessment Program (NCAP) for their propensity to rollover. Our NCAP ratings are based on the vehicle's static stability factor, which is calculated based on the height of the vehicle's center of gravity and its track width. These rollover ratings correlate very closely with experience in real-world crashes. The lowest rated, one-star vehi-

cles in our rollover NCAP have a 40 percent chance of rollover per single vehicle crash compared to a 10 percent chance for vehicles with the highest five-star rating. The National Academy of Sciences independently evaluated our rollover NCAP ratings and found that our current ratings are valuable and accurate, but suggested the ratings could be even better if we also evaluated vehicles in a dynamic rollover test that measures how vehicles perform in emergency steering conditions. We have proposed to adopt this change, consistent with Congress's direction in the TREAD Act, and our fiscal year 2004 budget includes \$1.9 million to implement this change in the 2004 model year. We believe this combined rollover rating will help us understand the real-world rollover experience and thereby give the American public a more useful piece of information for choosing a new vehicle.

Our experience in rating vehicles for rollover shows that vehicles differ significantly. For instance, sport utility vehicles receive from one star to four stars for rollover resistance. Pickup trucks range from one star to three stars. We want to make sure that people who are choosing to drive sport utility vehicles and pickup trucks have the information that will allow them to choose the ones less prone to roll over.

While we would like to prevent rollovers from happening in the first place, we recognize that some rollover crashes will occur. Thus, we must also consider other actions that will help reduce deaths and injuries in rollover crashes. We expect to announce proposed upgrades of our door lock requirements and our roof crush standard in fiscal year 2004. Finally, we are considering a proposal to reduce ejections through windows.

However, there is another step that we need to emphasize for improved safety in rollovers—one that can be taken today with no changes whatever to vehicles. We can significantly reduce deaths and injuries in rollover crashes if we can get more Americans to use the safety belts that are in their vehicles today. Most people killed in rollovers are ejected totally or partially from the vehicle. Safety belts can prevent nearly all of these ejections. Safety belts are 80 percent effective in preventing deaths in rollovers involving light trucks and 74 percent effective in rollovers involving passenger cars.

Vehicle Compatibility

The vehicle fleet has changed dramatically in the last 20 years, and these changes have given rise to an unprecedented vehicle mismatch in vehicle-to-vehicle crashes. Of course, vehicle compatibility has been a concern for longer than the past 20 years, but the earlier concerns about compatibility among different vehicles on the road were primarily related to differences between large and small cars, and the primary difference was simply the mass of the vehicles. However, more recently, the rising popularity of light trucks, vans, and SUVs has made the problem substantially more complex. Now, in addition to differences in vehicle mass, we must address inherent design differences, including disparities in vehicle height, geometry, and vehicle stiffness. The fleet average weight of light passenger vehicles that was approximately 3,000 pounds in 1990 is almost 4,000 pounds today. Similar changes are occurring in front-end heights and stiffness. The average initial stiffness of light trucks is about twice that of passenger cars. This increases the risk of death and injury to occupants in certain passenger vehicles when they interact with the more aggressive ones.

While light trucks and vans (LTVs) account for 38 percent of all registered vehicles, they are involved in approximately half of all fatal two-vehicle crashes involving passenger cars. In these collisions, about 80 percent of the fatalities are passenger car occupants. We need to address this problem now since LTVs constitute half of all new vehicle sales.

An Integrated Project Team from offices within the agency has been addressing this issue. I expect to publish that team's recommendations for public comment in the very near future. This team has identified some ways in which the safety features of a struck vehicle may be improved to better protect the occupants in a crash with a more aggressive vehicle and measures to reduce the aggressiveness of striking vehicles. The safety problems associated with vehicle compatibility are complex and will need focused research and other efforts to solve them.

The greatest problem in vehicle compatibility occurs when an LTV strikes a passenger car in the side. In the near term, we expect to propose a significant upgrade to our side impact protection standard. While improving upon the protection already provided to the chest and pelvis in our side impact standard, this upgrade will also add a measure of head protection to our side impact standard, because our data show that head injury is a serious risk in side crashes. We will also explore the idea of adding different sized dummies to our side impact standard.

I am also happy to tell you that NHTSA is not the only party that is trying to address compatibility. Vehicle manufacturers have acknowledged that they also

have a responsibility to address this issue. Manufacturers have formed their own working groups to develop recommendations for some voluntary actions that can be taken to improve vehicle compatibility. These manufacturers have committed to developing initial recommendations by late spring. In addition, the government of Japan has committed to share test data and other information with NHTSA on the issue of vehicle compatibility. With this international cooperation, the American people will get a much quicker response to the problem of vehicle compatibility than if NHTSA were to address this issue by itself.

Traffic Records/Data Collection

Crash Causation Data

NHTSA's fiscal year 2004 budget request includes a proposal to enable us to update our crash causation data, last generated comprehensively in the 1970s. Vehicle design, traffic patterns, numbers and types of vehicles in use, on-board technologies, and lifestyles have changed dramatically in the last 30 years. Old assumptions about the causes of crashes may no longer be valid. Since the agency depends on causation data to form the basis for its priorities, we must ensure that this data is current and accurate. We have requested \$10 million to perform a comprehensive update of our crash causation data that will allow us to target our efforts for the next decade on the factors that are the most frequent causes of crashes on American roads.

NHTSA has in place an infrastructure of investigation teams that will enable us to perform the study efficiently and accurately. These teams are currently performing a similar study for large, commercial truck crashes and are adept at gathering evidence from the crash scenes, the hospital, and from victim and witness interviews. Their findings will guide the agency's programs in crash avoidance, including vehicle technologies, as well as human factors.

State Traffic Records

Reliable, valid, and comprehensive crash data are the backbone of all efforts to improve highway safety. Accurate problem identification is vital if the highway safety community is to understand the scope and extent of their crash issues. Problematic to this is the fact that States are under increasing budgetary constraints that severely impact their ability to maintain or improve their Traffic Records System (TRS) data. Due to personnel reductions, law enforcement agencies in many States now maintain data only on fatal and severe injury crashes as opposed to crashes of all severities. Deficiencies in States' TRS data negatively impact national databases including the Fatality Analysis Reporting System, General Estimates System, National Driver Register, Highway Safety Information System, and Commercial Driver License Information System, as well as State data used to identify local safety problems. In fiscal year 2004, NHTSA is requesting an additional \$50 million for a new Traffic Records/Data Improvement Program in the States. The new initiative will provide incentive grants to States to support improved TRS data. In addition to police reports, emergency medical services, driver licensing, vehicle registration, and citation/court data provide essential information not available elsewhere. All would be improved by this program. Accurate State TRS data are critical to identifying local safety issues, applying focused safety countermeasures, and evaluating the effectiveness of countermeasures.

Mr. Chairman, this concludes my statement. I would like to thank the Committee for its continued steadfast support of our programs. I look forward to working with you, as well as my partners appearing today to testify, in developing a strong and productive performance-based, results-oriented, safety program that will provide national leadership through effective and efficient programs. I would be pleased to answer any questions.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
STATEMENT OF ANNETTE SANDBERG, ACTING ADMINISTRATOR

Senator CAMPBELL. Ms. Sandberg.

By the way, your complete written testimony will be included in the record. If anyone on the panel wants to abbreviate, feel free to do so.

Ms. SANDBERG. Thank you, sir.

Good morning, Mr. Chairman and members of the committee.

Thank you for the opportunity to appear before you today to discuss the Federal Motor Carrier Safety Administration's initiatives in fiscal year 2004. I want to thank you for your support and the resources you have provided to our agency since our creation in 1999.

Fatalities and crashes involving large trucks have declined 4 years in a row. This is significant progress. However, we know we can make our highways even safer.

Accordingly, a goal of the Bush Administration is to improve safety and to reduce the number of accidents and deaths on our highways. Fulfilling this goal is Secretary Mineta's top priority. I, too, share this priority.

DOT's current highway safety goal is to reduce the fatality rate by 41 percent by the year 2008. This equates to a rate of 1 fatality per 100 million vehicle miles traveled.

The Federal Motor Carrier Safety Administration has a goal that is part of the overall Department goal. The Federal Motor Carrier Safety Administration's goal is a rate of 1.65 commercial vehicle crash fatalities per 100 million miles of truck travel. Achieving our goal will be challenging, as commercial vehicle miles of travel is increasing at a rate faster than passenger car miles of travel.

The Motor Carrier's performance-based budget is consistent with the goals and programs established in SAFETEA, the administration's reauthorization proposal. Our fiscal year 2004 request focuses resources in several critical areas.

One of these areas is our New Entrant Program. As directed by Congress, the New Entrant Program will require that new car carriers undergo a safety audit within their first 18 months of operation. New entrants represent a significant commercial motor vehicle safety risk. Statistics show new carriers are less likely to know and to comply with Federal safety standards.

Our fiscal year 2004 budget request includes resources for a Federal/State partnership to implement the New Entrant Program. Forty-six States are committed to working with us, in full or in part, to conduct new entrants safety audits. We believe that the Federal/State partnership will yield significant benefits.

Another area for investment is hazardous materials transportation. Each day more than 800,000 hazardous material shipments cross the United States, 94 percent of which travel by highway.

Our goal is to achieve a 20 percent reduction in truck-related HAZMAT incidents by the year 2010. We will accomplish this goal through targeted enforcement and compliance efforts, including the implementation of a permitting program for certain carriers of extremely hazardous materials.

In partnership with the States, we propose to expand inspection efforts at the northern border with an emphasis on increased roadside inspections at remote border crossings. Inspecting commercial motor vehicles transporting hazardous materials will be a priority with emphasis on driver's license checks and vehicle screening for explosives. We anticipate that the program will yield more inspections of Canadian vehicles, more inspections of vehicles transporting HAZMAT, and an increased inspection presence at the U.S. and Canadian border crossings.

Southern border safety also remains a priority for our agency. The fiscal year 2002 Appropriations Act required that the DOT Inspector General verify that a number of statutory conditions be met before the U.S./Mexican border could order to long haul commercial traffic. The Federal Motor Carrier Safety Administration has met these requirements.

Currently, the border remains closed due to a ruling of the 9th Circuit Court of Appeals. The administration is considering appropriate next steps. Meanwhile, our agency is ready now to ensure the safety of border operations and will be ready whenever the border opens.

Another area of investment is the Commercial Drivers License Grant Program. We propose increasing the CDL grant funding in fiscal year 2004 to improve State control and oversight of licensing and third-party testing facilities to detect and prevent fraudulent testing and licensing activities, and to support the transfer of Mexican and Canadian driver conviction and disqualification data from the States to the Federal Motor Carrier Safety Administration's central depository.

FMCSA is concerned about the increasing number of consumer household goods complaints. The FMCSA receives thousands of complaints annually about household goods carriers. In our fiscal year 2004 budget request, FMCSA requested additional staff to enhance our ability to pursue enforcement against these abusive carriers.

Finally, it is crucial that the Federal Motor Carrier Safety Administration institute a number of medical certification programs in the fiscal year 2004, including an establishment of a medical review board, the certification of medical examiners, and the pilot programs on medical waivers and exemptions. Establishment of the registry would respond to the National Transportation Safety Board, which issued eight safety recommendations in September, 2001, recommending that FMCSA establish more comprehensive standards for qualifying medical providers and conducting medical qualification exams.

PREPARED STATEMENT

I look forward to working with this subcommittee to advance our mutual goal of improving safety on our Nation's highways, and would be happy to answer any questions that you may have.

Thank you very much.
[The statement follows:]

PREPARED STATEMENT OF ANNETTE SANDBERG

Good morning, Chairman Shelby, Ranking Member Murray, and Senators. Thank you for this opportunity to discuss plans for the Federal Motor Carrier Safety Administration (FMCSA) in fiscal year 2004. The ongoing support provided by this Committee has enabled FMCSA to make significant progress on several safety fronts, including increased safety enforcement and compliance, as well as enhanced border safety operations. Though we have seen fatalities in crashes involving trucks reduced for four years in a row, clearly there is more that needs to be done. My commitment is to improve commercial motor vehicle safety by bringing greater efficiency and effectiveness to FMCSA's programs and activities as reflected in the Administration's fiscal year 2004 budget submission, and as envisioned by Congress when the agency was created. This budget is consistent with the goals and programs established in the Administration's reauthorization proposal, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA), released on May 14.

The Department recognizes that a collaborative effort among agencies is needed to significantly reduce the fatality rate on our Nation's highways. The DOT highway safety goal is to reduce the fatality rate by 41 percent by 2008. This equates to a rate of one fatality per 100 million vehicle-miles-traveled. To achieve the DOT goal, FMCSA, along with the National Highway Traffic Safety Administration and the Federal Highway Administration, set goals within their respective programs to contribute to meeting the Department-wide target. FMCSA's targeted contribution to the DOT goal is set at a rate of 1.65 commercial vehicle crash fatalities per 100 million miles of truck travel by 2008. Achieving our goal will be a particular challenge, as commercial vehicle miles of travel have been growing at a faster rate than passenger car miles of travel. On average, over the past 15 years, truck and bus travel has increased by 3.4 percent annually while passenger car travel increases have been running at 2.8 percent. This trend is projected to continue.

I believe that our success will be driven by how well we target our resources at safety problems. To do this effectively, we must use the multiple data sources available to us. FMCSA is a data-driven, performance-based organization. This makes the timely collection of complete data a critical goal for us. Our programs and activities will be focused on reliable and timely data upon which to base our policy and programmatic decision-making and allocation of our operational resources. Our performance-based approach will enable us to accomplish three critical objectives: 1) achieve dramatic improvements in commercial motor vehicle safety; 2) ensure that resources are directed toward activities with the potential for the greatest safety impact; and 3) develop information that demonstrates the value of the government's investment in safety.

FMCSA's fiscal year 2004 budget request has been structured to strengthen the linkage between resources and accomplishment of these objectives. We have integrated our budget and performance information, framed around the achievement of objectives in several critical areas.

NEW ENTRANT PROGRAM

Let me begin by outlining a critical area for investment, FMCSA's New Entrant Program. As Congress set out in the Motor Carrier Safety Improvement Act of 1999, a new entrant program to bring motor carriers into compliance with safety regulations at the onset of operations can improve safety. These new entrants, numbering 40,000–50,000 annually, represent a significant commercial motor vehicle safety risk. Our fiscal year 2004 budget request includes resources for a Federal-State partnership effort to implement the New Entrant Program.

Overseeing and supporting the conduct of safety audits, establishing baseline data, and implementing a program of regular data collection to assess the progress of the New Entrant Program will enable FMCSA to fulfill the statutory mandate to improve new entrant safety performance. This program will also meet the requirements set out in Section 350 of the fiscal year 2002 DOT Appropriations Act as a precondition to opening the Southern border to Mexican commercial vehicles.

We know already that 46 States will work with us, in full or in part, to conduct new entrant safety audits. These States have agreed to provide approximately 195 of the estimated 262 State and Federal personnel needed to audit the 40,000 to 50,000 new entrants per year. The State personnel will be either new hires or be reassigned from other law enforcement duties. In fiscal year 2003, these individuals

are supported through Motor Carrier Safety Assistance Program grant funds. Contracted safety auditors will be used to make up the balance of staff needed. We also plan to hire 32 full-time Federal staff to cover program oversight, including management, review, and approval of the safety audits. We believe this Federal-State partnership will yield significant results by placing funds in the hands of those closest to the new entrant population, while maintaining appropriate Federal support and oversight.

HAZMAT SAFETY AND SECURITY

Another area where resources are needed is in the transportation of hazardous materials. Each day, there are more than 800,000 shipments of HAZMAT in the United States, 94 percent of which move by highway. We have established a goal of a 20 percent reduction in truck-related hazardous materials incidents by 2010, as measured from the baseline of 2000. We plan to accomplish this through targeted enforcement and compliance efforts.

First, our request includes funds for a HAZMAT permitting program for certain carriers of extremely hazardous materials, as required by Congress. This program will ensure that carriers of these dangerous materials have implemented safety and security measures. FMCSA anticipates issuing 2,700 HAZMAT permits in fiscal year 2004.

Second, a program to enhance commercial motor vehicle safety and security at the northern border is being proposed. In partnership with the States, we propose to expand current inspection efforts at the northern border with an emphasis on conducting additional roadside inspections at or near the more remote border crossings. The highest priority will be given to inspecting commercial motor vehicles transporting HAZMAT, with emphasis on driver license checks and vehicle screening for explosives. It is anticipated that 200,000 HAZMAT vehicle inspections will be performed at the northern border in 2004 by the State inspectors hired under this program.

Third, FMCSA will continue its base program of hazardous materials regulatory compliance and outreach and education. For example, responding to the events of September 11, FMCSA contacted nearly 42,000 hazardous materials carriers and conducted nearly 31,000 Security Sensitivity Visits. FMCSA has since launched a program of "Security Contact Reviews" to maintain a high level of vigilance within the industry. Funds requested will enable FMCSA to integrate Security Sensitivity Visits into compliance review activities conducted by our field offices.

SOUTHERN BORDER ENFORCEMENT

Southern Border safety activities remain a high priority for FMCSA. In the fiscal year 2002 Appropriations Act, Congress established requirements for opening the U.S.-Mexico border to long-haul commercial traffic. One of these requirements was that the DOT Inspector General must verify that all statutory conditions have been satisfied. As DOT Inspector General Ken Mead reported in March, FMCSA has met these requirements, including the hiring and training of enforcement personnel and the establishment of inspection facilities and safety procedures at the southern border. Because of our actions, Secretary Mineta was able to certify that the Department had met the requirements of Section 350 providing a basis for the President to lift the moratorium on granting operating authority for Mexican carriers to operate within the interior of the United States.

Currently, the border remains closed due to the 9th Circuit Court ruling that DOT had not conducted the appropriate, in-depth environmental analysis for certain rules designed to satisfy the Congressional requirements. The Court held that the environmental assessment that the agency prepared was inadequate, and that FMCSA should have prepared an Environmental Impact Assessment and Clean Air Act Conformity Analysis. The Administration filed an en banc appeal of the decision to the 9th Circuit on March 10, which was denied. The Administration is considering appropriate next steps in responding to the ruling. Meanwhile, FMCSA is ready now, and will be ready whenever the border is opened, to ensure the safety of border operations. At present, border inspectors and auditors are conducting inspections and safety audits on commercial zone carriers. Border safety investigators are assisting other FMCSA staff in conducting compliance reviews to maintain their skills, as well as conducting compliance reviews on commercial zone carriers. Additionally, border safety investigators have been deployed to do additional inspections at the border.

COMMERCIAL DRIVERS LICENSE (CDL) GRANTS

Improving the accuracy and completeness of driver history records is key to enhanced safety. The driver's license is the main form of personal identification in the United States. Ensuring positive identification license holders is dependent upon a diverse set of security technologies. Particularly in the transport of hazardous materials, States need current driver licensing technology for security purposes. Grants under this program will allow States to enhance this technology.

We are proposing increased CDL grant funding in fiscal year 2004 to accomplish: 1) improving State control and oversight of State licensing agency and third party testing facilities; 2) developing management control practices to detect and prevent fraudulent testing and licensing activities; 3) supporting State efforts to conduct Social Security Number and Immigration and Naturalization Service number verification for CDLs; and 4) maintaining the central depository of Mexican and Canadian driver convictions in the United States, the disqualification of unsafe Mexican and Canadian drivers, and the notification of Mexican and Canadian authorities of convictions and/or disqualifications.

Together, these activities will add to the variety of driver's license technologies for safety and security, as well as enhancing our ability to identify problem drivers.

HOUSEHOLD GOODS ENFORCEMENT

I am sure that the Chairman and Senators of this Subcommittee, as well as your Senate colleagues, have noticed an increase in the number of constituent complaints regarding unscrupulous household goods carriers. The letters we receive, as well as the calls coming into the FMCSA hotline, have been increasing. FMCSA receives thousands of consumer complaints annually. Currently, the Agency has three full-time commercial investigators devoted to the Household Goods Enforcement and Compliance program and has budgeted for more in fiscal year 2004 to expand enforcement of the Federal Motor Carrier Commercial Regulations.

While the household moving industry as a whole performs over a million successful moves annually, a small group of unscrupulous people scattered over a handful of States has used this industry to defraud unsuspecting consumers of their hard-earned money. The complaints from the American moving public have reached significant proportions. FMCSA has gathered data to define how, when, and where to focus a limited number of requested resources to inoculate the public against these predators.

These resources will establish a more visible enforcement program through increased investigations, and a more robust outreach effort to reduce the number of consumer complaints filed against household goods carriers and brokers. Our efforts will also be aimed at increasing consumer awareness to allow the public to make better-informed decisions before they move across State lines.

FMCSA also proposes to conduct an extensive study of existing Household Goods Dispute Settlement Programs and alternative arbitration programs in the household goods moving industry. We need this critical information to determine the extent of the challenge, to determine effective strategies and countermeasures, and to evaluate the effectiveness of these programs in resolving loss and damage disputes and claims between shippers and carriers.

Household goods carriers operating in interstate commerce are required to have or participate in an arbitration program as a condition of their registration with FMCSA. The arbitration programs must comply with the requirements of 49 U.S.C. 14708, and the carrier must submit to binding arbitration upon a shipper's request for cargo damage or loss claims of \$5,000 or less. Seventy-five percent of the complaints we receive pertain to loss and damage claims. FMCSA believes this study is necessary to determine what changes are needed to assist the moving industry in establishing effective arbitration programs to resolve loss and damage disputes. Currently, FMCSA does not have adequate data or records to evaluate effectively the arbitration programs in the moving industry. We are hopeful that this study will provide a future roadmap to better address household goods complaints.

REGULATORY DEVELOPMENT

Regulatory Development is the cornerstone of FMCSA's compliance and enforcement process. This is an area where greater attention and resources are needed to promulgate all mandated regulations to ensure program performance will not be compromised. For this reason, we are proposing to dedicate funds to our regulatory development program and have already implemented a defined operating procedure to further accelerate our efforts.

I recently issued a directive to the agency establishing a revised process by which our agency will develop regulations. This directive is modeled on the procedures used in other Federal agencies. It promotes staff collaboration, establishes early regulatory evaluation and analysis, while setting out clear milestones. The new process is designed to improve both the quality and timeliness of our rulemakings. It is team-based and designed to build agency consensus through early involvement by senior managers. Staff has been instructed that all FMCSA rulemakings should immediately begin to follow the new procedures set forth in the order.

The new process is already being put to use as FMCSA responds to a Writ of Mandamus. As you may know, on November 26, 2002, the DOT Secretary and FMCSA were served with a Petition for a Writ of Mandamus for Relief from Unlawfully Withheld Agency Action. Citizens for Reliable and Safe Highways (CRASH), Parents Against Tired Truckers (PATF), Teamsters for a Democratic Union (TDU), and Public Citizen filed the Petition. The Petition seeks a court order directing DOT to promulgate six regulations. In February 2003, the FMCSA, through a settlement agreement, committed to a timetable for completing these rules (referred to as the Mandamus rules). The Hours-of-Service rule was among them. FMCSA published the Final Rule on Hours-of-Service in the Federal Register on April 28, 2003. The effective date is June 27, 2003, with a compliance date of January 4, 2004. This time period is needed to train 8,000 enforcement officers, update FMCSA computer systems and manuals, and to educate the industry.

MEDICAL PROGRAMS

We will use our funds to examine alternative regulatory programs. Congress provided FMCSA with authority to establish exemption and pilot programs under strict safety controls. We now operate a vision exemption program where applications total more than 60 per month. We are approached routinely to consider other alternative programs to our safety regulations. These resource intensive programs require a consistent funding stream to operate successfully with ample oversight and over multiple years.

Among the projected uses for regulatory development funding are the establishment of a medical review board and the creation of a national medical examiner registry. The medical review board will provide expert medical opinion and advice to the agency as we update our medical qualifications requirements. Expert medical advice will help us to supplement the experience of our staff and enhance our medical program.

The medical examiner registry will permit FMCSA to provide more comprehensive information on medical practitioners to drivers and carriers. It will also help disseminate information to physicians regarding medical policies and requirements relevant to the physical qualifications of commercial drivers. This is an essential step to upgrade the quality of CDL driver medical qualification exams. With the registry, we will be able to better monitor the quality and practices of medical examiners. A certification process will ensure that medical examiners are qualified to perform driver physical exams. Establishment of a medical registry would respond to the National Transportation Safety Board, which issued eight safety recommendations in September 2001 requesting that FMCSA establish more comprehensive standards for qualifying medical providers and conducting medical qualification exams.

ORGANIZATIONAL EXCELLENCE

Finally, I would like to speak to FMCSA's organizational capacity. Many lessons have been learned during these first three formative years. The agency has experienced the traditional growing pains of a new organization, but has also had to grapple with some nontraditional ones as well. The rapid rate at which new programmatic and management responsibilities came to the agency could not have been predicted. These new activities, like the opening of the U.S.-Mexico border and Security Sensitivity Visits, exacted a toll on both FMCSA and FHWA's administrative capacities. Each agency was inundated with ever-increasing workloads and heightened performance expectations.

The agency now finds itself at a critical juncture in its organizational development. It is poised to meet the challenges of the President's Management Agenda through human capital management, improved financial performance, competitive sourcing, performance based budgeting, and E-government. However, the agency's administrative and information technology infrastructures are in need of additional resources to support its workload and continue to focus on improved safety performance. Our request in fiscal year 2004 will enable FMCSA to procure the necessary administrative and information technology resources at competitive market rates.

CONCLUSION

Thank you Mr. Chairman, Ranking Member Murray, and Senators of the Subcommittee for this opportunity to present my plans for the Federal Motor Carrier Safety Administration. I believe that your continued investment in the agency will be rewarded by improved data collection, reporting, analysis, and most importantly, higher levels of safety on our Nation's highways. I look forward to working with you to achieve our mutual goals and would be happy to answer any questions you may have.

NONDEPARTMENTAL WITNESSES

STATEMENT OF WENDY J. HAMILTON, NATIONAL PRESIDENT, MOTHERS AGAINST DRUNK DRIVING

Senator CAMPBELL. Ms. Hamilton?

Ms. HAMILTON. Good morning. I am Wendy Hamilton, the National President of Mothers Against Drunk Driving.

It is an honor to be here today testifying on DOT's fiscal year 2004 request and MADD's priorities for the reauthorization of TEA-21. We look forward to working with this committee to develop transportation policies that save lives and prevent injuries on our Nation's highways.

I would like to take a moment to thank Chairman Shelby and Ranking Member Murray for their commitment to reduce traffic crashes and injuries and fatalities.

In DOT's fiscal year 2003 budget, this subcommittee dedicated increased funding to NHTSA's impaired driving program and began a historic effort by funding paid media to publicize law-enforcement mobilizations designed to increase seatbelt use and reduce alcohol impaired driving.

Senator Shelby and Senator Murray, your efforts mark the beginning of what MADD hopes will be a renewed National, State and local effort to reverse the deadly trend on our Nation's highways.

For the third consecutive year, alcohol-related traffic deaths have increased. Early statistics show that last year nearly 18,000 people were killed and hundreds of thousands more were injured in these crashes. Alcohol-involved crashes accounted for an overwhelming 46 percent of all fatal injury costs.

Unfortunately, the data speaks for itself. The Nation, including its political leaders, has become complacent in this effort. Lack of funding for effective behavioral traffic safety programs and minimal resources for law-enforcement officers to enforce existing laws are a major part of the problem.

Last week, MADD released its new Federal plan for the reauthorization of TEA-21. On that day, we heard from members of the Senate who expressed their firm commitment to move the Nation in the right direction. MADD sincerely thanks Senator Murray, Senator DeWine, Senator Lautenberg, and Senator Dorgan for their participation in this event and their leadership to reduce traffic death and injury.

Today, MADD is asking Congress and the administration to adopt MADD's research-based plan. I would like to submit our plan for the record and I believe that you have all received copies of this.

Senator CAMPBELL. It will be included in the record.
[The information follows:]



MADD
Activism | Victim Services | Education™

Alcohol-Related Traffic Fatalities on the Rise

For Third Consecutive Year

In 2002, the nation experienced – for the third year in a row – an increase in alcohol-related traffic fatalities. Preliminary data show that at least 17,970 people were killed in crashes involving alcohol – representing 42 percent of the 42,850 people killed in all traffic crashes, up from 41 percent in 2001.

Crash Facts

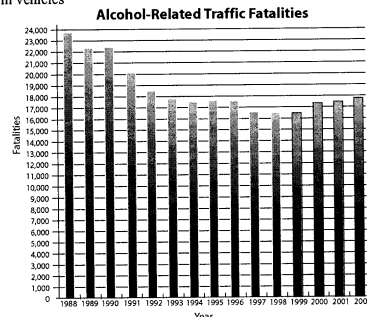
- ◆ Motor vehicle crashes are the leading cause of death for Americans ages 1 to 35 years old
- ◆ On average, 117 people die each day from motor vehicle crashes in the United States
- ◆ Traffic crashes cost America more than \$230 billion annually according to the U.S. Department of Transportation
- ◆ Forty-two percent of all traffic deaths are alcohol-related
- ◆ Sobriety checkpoints reduce crashes involving alcohol by 20 percent according to the Centers for Disease Control
- ◆ About one-third of all drivers arrested or convicted of driving while intoxicated are repeat offenders
- ◆ Seat belts reduce the risk of fatal injury by 45 percent and reduce the risk of serious injury by 50 percent

Put Research into Practice: TEA-21 and Traffic Safety

Reauthorizing TEA-21 Presents a Historic Opportunity to Reduce Alcohol-Related Traffic Deaths and Injuries

Mothers Against Drunk Driving's (MADD) goal for the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21) is to advance traffic safety programs that will save lives and prevent injuries. Progress will occur when: 1) adequate funding is provided for traffic safety programs, and 2) a commitment is made to put proven countermeasures into practice. MADD believes the reauthorized traffic safety section of TEA-21 should:

- ◆ Establish a *National Traffic Safety Fund* to support state and national traffic safety programs, enforcement and data improvements
- ◆ Increase accountability for expenditure of federal funds
- ◆ Expand impaired driving and seat belt law enforcement mobilizations
- ◆ Enact a national standard to reduce repeat DWI and other higher-risk driver recidivism
- ◆ Enact a national primary seat belt standard
- ◆ Enact a national standard banning open containers of alcoholic beverages in vehicles



Graph courtesy of National Highway Traffic Safety Administration

**Reductions in alcohol-related
fatalities have stalled since the early 1990s**

Accountability... Linking Results with Funding

While the nation experienced a substantial decrease in alcohol-related deaths in the 1980s and early 1990s, the U.S. is now experiencing an upward trend. This is due to inadequate funding, public complacency and the lack of coordinated plans of action at the state and federal levels.

Congress must hold states and the National Highway Traffic Safety Administration (NHTSA) accountable for the expenditure of federal highway safety funds. To reduce traffic fatalities, states must work in cooperation with NHTSA to develop strategic highway safety plans that establish goals and evaluation measures for funded

programs. NHTSA must have and exercise the authority to approve state highway safety plans — conducting meaningful reviews and requiring these plans to include effective impaired driving countermeasures that meet federal policy goals.

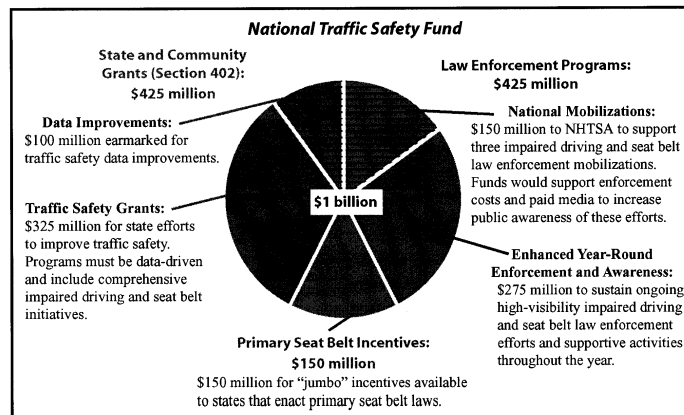
Research demonstrates that initiatives such as sobriety checkpoints and aggressive seat belt enforcement significantly reduce traffic deaths and injuries. MADD believes that these strategies must be the cornerstone for the reauthorization of the TEA-21 traffic safety section.



Traffic Safety Funding: Dedicating Dollars For Programs That Work

In 2001, federal funding for traffic safety programs was approximately \$522 million — less than one quarter of one percent of what traffic crashes cost Americans each year. Of the \$522 million, only \$133 million (26 percent) was spent on alcohol-related countermeasures.

MADD recommends establishing a \$1 billion dedicated *National Traffic Safety Fund* to provide increased, ongoing resources for priority traffic safety programs. It has been estimated that for every dollar spent on effective highway safety programs about \$30 is saved by society in the reduced costs of crashes.

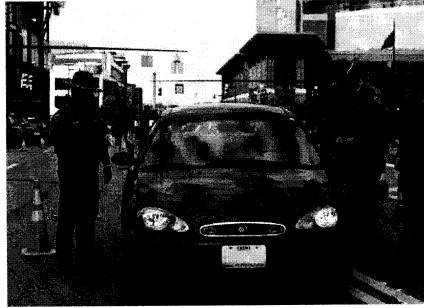


State and Community Highway Safety Grants (Section 402)

Section 402 funding must be significantly increased. However, states must be held accountable for the expenditure of these funds to ensure that they are spent on effective traffic safety programs. These programs must be based on problem identification and reflect data-driven priorities.

Key Action Items:

- ◆ Create three levels of accountability for performance: NHTSA, NHTSA Regional Administrators, state highway safety offices
- ◆ Require strengthened NHTSA approval process of state highway safety plans, requiring a strong correlation between problem identification, strategy, program selection and funding
- ◆ Require Improvement Plan implementation for states with poor performance
- ◆ Priority programming must include comprehensive alcohol-impaired driving countermeasures and seat belt initiatives
- ◆ Dedicate \$100 million annually for state data improvements
- ◆ Require increased funding for Law Enforcement Liaisons to better coordinate state and national law enforcement efforts



Law Enforcement Resources and National Mobilizations

Law enforcement is the front line in the fight against impaired driving. Traffic safety laws must be consistently enforced and the public must be educated about the consequences of noncompliance. Law enforcement needs more resources from the federal government in order to strengthen traffic safety enforcement efforts. Funding is needed for officer training, technology and equipment, overtime and the deployment of aggressive enforcement strategies.

Law enforcement needs more resources from the federal government.

MADD recommends dedicated funding to carry out high-visibility traffic law enforcement campaigns. These campaigns combine targeted enforcement — sobriety checkpoints, saturation patrols and/or seat belt enforcement — with the purchase of advertising in broadcast or print media. These campaigns will focus on reducing drunk driving and increasing seat belt use.

Key Action Items:

- ✓ Provide \$275 million to sustain ongoing high-visibility law enforcement efforts and supportive activities throughout the year. \$165 million would be dedicated to impaired driving enforcement and \$110 million would be dedicated to seat belt enforcement. These funds may be used for enforcement-related expenses including training, technology, equipment, overtime and media support.
- ✓ Dedicate \$150 million to NHTSA to support three national law enforcement mobilizations focusing on reducing impaired driving and increasing seat belt use. Funds would support enforcement costs and paid media to increase public awareness of these efforts.

Priority Traffic Safety Laws

Higher-Risk Driver Standard

Higher-risk drivers fall into three categories: repeat offenders, offenders with a blood alcohol concentration (BAC) of .15 or higher, or offenders convicted of driving on a suspended license when the suspension was the result of driving under the influence. Nationally, one-third of all drivers arrested or convicted of driving while intoxicated are repeat offenders and in 2000, 58 percent of the alcohol-related traffic fatalities involved drivers with a BAC of .15 or above. A national standard must be enacted to ensure that higher-risk drivers are subject to consistent and aggressive detection, arrest and prosecution.

Key Action Items:

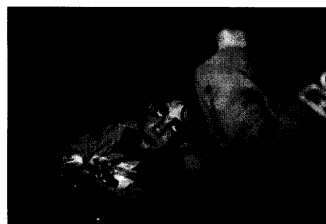
- ◆ Restrict vehicle operation by suspending licenses, impounding or immobilizing vehicles and requiring alcohol ignition interlock devices on offenders' vehicles.
- ◆ Require compensation to the community through fines, mandatory incarceration and financial restitution to crash victims.
- ◆ Promote recovery programs through mandatory alcohol assessment and treatment, intensive probation and attendance at victim impact panels.
- ◆ States that do not enact the national higher-risk driver standard would face the loss of highway construction funds.

Primary Seat Belt Standard

The best defense against an impaired driver is a seat belt. According to NHTSA, for every percentage point increase in seat belt usage, 280 lives can be saved.

Key Action Item:

- ◆ Establish a national primary seat belt standard. States would be eligible for "jumbo" financial incentives for three years. States that have not enacted a primary seat belt standard after three years would face the loss of highway construction funds.



Open Container Standard

Open container laws separate the consumption of alcohol from the operation of a vehicle. A common-sense measure, banning open containers in the passenger compartment of a vehicle will decrease the likelihood that drinking and driving will occur.

Key Action Item:

- ◆ Enact a national ban on open containers in the passenger compartment of motor vehicles. States that do not enact a ban on open containers would face the loss of highway construction funds.

.08 BAC Standard

Since the passage of the national .08 per se BAC standard in 2000, 18 states have passed this important legislation, bringing the total number of states in compliance to 38 and the District of Columbia (as of early May 2003).

Key Action Items:

- ◆ MADD will continue to work to ensure .08 BAC is the standard in every state.
- ◆ MADD will vigorously oppose any attempt to repeal the national .08 BAC standard.



Mothers Against Drunk Driving (MADD) is a 501(c)(3) non-profit grass roots organization with more than 600 chapters nationwide.

MADD's mission is to stop drunk driving, support the victims of this violent crime, and prevent underage drinking.

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For additional information on MADD's priorities for the reauthorization of TEA-21, please contact:

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Ms. HAMILTON. MADD's plan establishes a national traffic safety fund of \$1 billion annually. Under this fund, MADD recommends dedicating increased funding for highly visible law enforcement activities.

The "Click It or Ticket" national law enforcement mobilization campaign has been very successful in increasing seatbelt usage. We know that sobriety checkpoints are one of the most effective tools this Nation has to stop impaired driving, and that they are especially effective when coupled with media campaigns that raise the visibility of these efforts.

Thanks to this committee, funds were dedicated in fiscal year 2003 to conduct these mobilizations. Why then has NHTSA not requested any funding to continue this lifesaving effort?

I would like to thank Senator DeWine and Senator Lautenberg for introducing legislation today that would provide substantial funding for enforcement efforts to stop drunk driving and increase seatbelt use. If enacted, this bill will save lives.

MADD also recommends dedicating increased behavioral funding for State efforts to improve traffic safety. While NHTSA's funding appears to have increased dollars for behavioral funding, this is not the case. Only a percentage of this funding will be spent specifically on behavioral safety since States are able to use much of this funding for roadway construction and highway safety projects. Though NHTSA continuously states that reducing alcohol-related traffic fatalities is a top priority, the fiscal year 2004 budget request simply does not support these claims.

MADD was shocked to learn that the impaired driving programs merit less than one page out of DOT's 378-page SAFETEA proposal. SAFETEA actually decreases funding for alcohol-impaired programs by 67 percent. The only funding specifically allocated for impaired driving is \$50 million. The overwhelming majority of safety funding in the SAFETEA proposal is budgeted in the new Highway Safety Improvement Program which is really dedicated to roadway construction safety projects. This specific construction safety program receives an overwhelming 117 percent increase.

While construction safety is important, the DOT itself, along with the GAO, recognizes that human behavior not roadway environment is overwhelmingly seen as the most prevalent contributing factor to crashes. To compare DOT's recreational trails program, funded at \$60 million in fiscal year 2004, it receives 20 percent more funding than the impaired driving grants program. It appears, from a budget standpoint, that keeping recreational trails safe for a small population of users is even more important to DOT than keeping all highway users safe from impaired drivers. Again why?

MADD's plan calls for greater accountability controls to ensure that Federal funds are being used in a strategic and coordinated manner. Recently the GAO, at the request of Senator Dorgan, released a detailed report detailing the management and use of Federal highway safety funds. GAO concluded and "NHTSA's oversight of highway safety programs is less effective than it could be, both in ensuring the efficient and proper use of Federal funds and in helping the States achieve their highway safety goals."

GAO's report shows that in the face of rising traffic deaths more Federal oversight and guidance is needed for the expenditure of Federal safety dollars to ensure that these funds are spent on effective behavioral programs. This is fiscal responsibility.

MADD is urging Congress to strongly encourage States to enact proven traffic safety laws, such as a national primary safety belt standard and high risk driver standards. MADD knows that the best defense against a drunk driver is a seatbelt. As NHTSA proposes, States should be given financial incentives to enact primary belt laws.

However, States that do not enact this lifesaving measure after 3 years should lose Federal highway construction funds.

MADD also calls for the enactment of a national standard to combat higher risk drivers. While higher risk drivers are a small portion of the problem, they pose a significant threat to motorists.

Again, we thank Senator Lautenberg and Senator DeWine for introducing legislation today that targets this dangerous population. If enacted, this bill would close loopholes to ensure that repeat and high blood alcohol concentration offenders do not continue to slip through the cracks.

This priority is one that has personal meaning to me. On September 19th, 1984, a high BAC driver caused the head-on collision that killed my 32-year-old sister, Becky and my 22-month-old nephew, Timmy. The crash occurred at 1:50 p.m. on a beautiful Wednesday afternoon filled with sunshine. Three hours after that crash, the offender tested at a .16 blood alcohol concentration and police pulled four empty bottles of alcohol from his vehicle.

This Nation lacks a clear coordinated solution to reduce impaired driving fatalities. Maintaining the status quo or, even worse, decreasing resources dedicated to fighting drunk driving will not reverse this deadly trend. The reauthorization provides the best chance, a historic opportunity to provide adequate behavioral safety funding to ensure that these funds are being used effectively and to enact laws that will save lives.

PREPARED STATEMENT

I urge Congress to adopt MADD's proposal and create safer roads for all Americans. Thank you and I welcome the opportunity to answer questions.

[The statement follows:]

PREPARED STATEMENT OF WENDY J. HAMILTON

Good Morning. My name is Wendy Hamilton and I am the National President of Mothers Against Drunk Driving. I am honored to be here today to testify on the Department of Transportation's (DOT) fiscal year 2004 budget request and MADD's priorities for the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21). We look forward to working with the Committee to develop transportation policies that provide appropriate funding and employ effective, aggressive countermeasures to prevent injuries and save lives on our Nation's roads.

I would like to take this opportunity to thank Chairman Shelby and Ranking Member Murray for their commitment to reduce traffic crash fatalities and injuries. In DOT's fiscal year 2003 budget Senator Shelby and Senator Murray dedicated increased funding to the National Highway Traffic Safety Administration's (NHTSA) impaired driving program, and began a historic effort by funding paid media to publicize law enforcement mobilizations designed to increase seat belt use and reduce alcohol-impaired driving. Senator Shelby and Senator Murray—MADD's 2 million members and supporters thank you for your dedication and leadership to highway safety. Your efforts mark the beginning of what MADD hopes will be a renewed national, State and local effort to reverse the deadly trend on our Nation's highways.

ADMINISTRATION OUTLINES HIGHWAY SAFETY AS A PUBLIC HEALTH CRISIS; HOWEVER, FUNDING REQUESTS DO NOT ADEQUATELY ADDRESS PROBLEM

According to DOT, motor vehicle crashes are responsible for 95 percent of transportation sector deaths and 99 percent of all transportation-related injuries within the United States as well as the leading cause of death for people ages 4 through 33. In 2002, an estimated 42,850 people died on the Nation's highways, up from 42,116 in 2001.

This alarming amount of injury and death on our Nation's roadways creates a tremendous drain on the Nation's economy. Economic losses due to motor vehicle crashes cost the Nation approximately \$230.6 billion each year, an average of \$820 for every person living in the United States.

DOT's announcement of preliminary 2002 fatality estimates calls for "better State laws that address the causes of the problem and stricter enforcement." But DOT's fiscal year 2004 request and its reauthorization proposal cut funding for behavioral safety initiatives, even while DOT's own research demonstrates that human behavior is overwhelmingly the leading factor in death and injury on our Nation's roads.

ALCOHOL-RELATED TRAFFIC FATALITIES ON THE RISE FOR THIRD CONSECUTIVE YEAR

For the third consecutive year, alcohol-related traffic deaths have increased. Preliminary statistics show that nearly 18,000 people were killed and hundreds of thousands more were injured in these crashes just last year. That's 49 deaths and hundreds of injuries day in and day out. Alcohol-involved crashes accounted for 21 percent of nonfatal injury crash costs, and an overwhelming 46 percent of all fatal injury crash costs. In order to reverse this trend, the Nation cannot maintain the status quo and expect a different result.

Last week at a national news conference, MADD commemorated the 15-year anniversary of the worst drunk driving crash in U.S. history—the Kentucky Bus Crash. On May 14, 1988, 27 people—24 children and 3 adults—were killed and 30 others were injured coming home from a church outing. They were victims of a repeat drunk driving offender, behind the wheel of his pickup driving on the wrong side of the road. He had a blood alcohol concentration of .24—three times the illegal limit today in Kentucky and the majority of all other States and DC.

The Kentucky Bus Crash was heard around the world because 27 perished and 30 others were injured in an instant. But tragically, one by one, over the past 15 years, the equivalent to 10,400 Kentucky Bus Crashes have occurred in our country as nearly 281,000 Americans have been killed and millions of others have been injured in alcohol-related traffic crashes since that tragic day.

Unfortunately, the data speaks for itself: the Nation—including its political leaders—has become complacent in this effort. Drunk drivers continue to slip through cracks in the system. Weak laws, lack of funding for effective traffic safety programs and minimal resources for law enforcement officers to enforce existing laws are all part of the problem. There is no coordinated effort at the national, State and local level to combat this public health problem. Additionally, drunk driving is still often treated as a minor traffic offense rather than what it really is—the most frequently committed violent crime in our country.

MADD'S SAFETY PLAN: PUTTING RESEARCH INTO PRACTICE

Last week MADD released its new Federal plan for the reauthorization of Federal traffic safety programs. In conjunction with MADD's announcement, we heard from Members of the Senate who expressed firm commitment to move the Nation in the right direction. MADD sincerely thanks Senator Patty Murray, Senator Frank Lautenberg, Senator Mike DeWine and Senator Byron Dorgan for their participation in this event and for their leadership to reduce traffic death and injury.

Today, MADD is asking Congress and the Administration to ensure that highway safety is a cornerstone of the reauthorized TEA-21. And they can do so by embracing MADD's research-based reauthorization plan. MADD's plan would:

- Establish a National Traffic Safety Fund (NTSF)—\$1 billion annually—to provide a major infusion of dedicated Federal funds to support State and national traffic safety programs, enforcement and data improvements;
- Under the NTSF:
 - dedicate increased funding for States and local communities to expand highly visible law enforcement activities to reduce impaired driving and increase seat belt use, including national enforcement mobilizations supported by paid media;
 - dedicate significantly increased funding for State efforts to improve traffic safety by implementing data-driven programs;
- Create stricter accountability controls to ensure that Federal funds are being used in a strategic and coordinated effort at both the State and Federal level;
- Encourage States to enact priority traffic safety laws, such as primary seat belt enforcement, higher-risk driver and open container standards.

I want to briefly talk in more detail about MADD's reauthorization priorities.

Funding is key to the success of national, State and local traffic safety programs to reduce drunk driving. But in the year 2001, while traffic crashes cost taxpayers \$230 billion, the Federal government spent only \$522 million on highway safety and only one-quarter of that was used to fight impaired driving. Compared to the financial and human costs of drunk driving, our Nation's spending is woefully inadequate to address the magnitude of this problem.

Establishing a National Traffic Safety Fund would give those on the front lines an increased, ongoing and reliable funding stream for national, State and local highway safety programs. MADD recommends an annual \$1 billion dedicated fund for traffic safety programs. We know that for every dollar spent on effective highway safety programs about \$30 is saved by society in the reduced costs of crashes. This would be a wise investment.

States must have additional resources if they are expected to reach their highway safety goals. Section 402, State and Community Highway Safety grants, provides funding to States to support highway safety programs designed to reduce traffic crashes and resulting deaths, injuries, and property damage. TEA-21 authorized \$163 million in fiscal year 2003 for Section 402 grants. MADD recommends a substantial increase in Section 402 funding to help States reach their highway safety goals. Of the \$1 billion annually, MADD recommends \$425 million for the reauthorized Section 402.

Although alcohol is a factor in 42 percent of all traffic deaths, only 26 percent of all highway safety funding available to the States through TEA-21 is spent on alcohol-impaired driving countermeasures. Too often highway safety funding made available to the States is used for other programs that may not save as many lives or prevent as many injuries as priority traffic safety programs. It is critical that these funds are spent on data-driven programs that include comprehensive impaired driving and seat belt initiatives.

The National Traffic Safety Fund would also be used to expand States' well-publicized law enforcement activities to curb drunk driving and increase seat belt use. These law enforcement resources would support training, over-time, technology and paid advertising throughout the year. Additionally, funds would be available for three highly visible national impaired driving and seat belt law enforcement mobilizations.

These law enforcement activities should utilize, when possible, frequent and highly visible sobriety checkpoints. These are among the most effective tools used by law enforcement to deter impaired driving. We know through research and real world experience that sobriety checkpoints save lives. The CDC found that sobriety checkpoints can reduce impaired driving crashes by 18 to 24 percent. These checkpoints are especially effective when coupled with media campaigns that raise the visibility and awareness of drunk driving enforcement efforts in the community with the bottom line goal of deterring impaired driving before it happens.

Without significant increases in the level of funding for these critical safety programs, the current deadly trend will continue to worsen.

But it is just as important to know where the money is going and how it is being spent. That is why MADD is asking Congress to hold States and the National Highway Traffic Safety Administration accountable for the expenditure of Federal highway safety funds. Our goal is not to make their jobs more difficult. It is to recognize that political pressures and "flavor of the month" traffic safety issues can influence how dollars are spent. If DOT's primary goal is to reverse the current trend, it is time to create a more consistent process that ensures the efficient and proper use of Federal funds to help the Nation achieve its highway safety goals.

MADD also urges Congress to strongly encourage States to enact proven traffic safety laws, such as a national primary seat belt enforcement standard. According to NHTSA, for every percentage point increase in seat belt usage, 280 lives can be saved. MADD knows that the best defense against a drunk driver is a seat belt. The fact is, of those killed in alcohol-related traffic crashes, 76 percent were not wearing their seat belt. Had they been, a significant portion of them would be alive today.

Drunk drivers typically do not buckle up, nor do they make sure their passengers are properly restrained. The sad fact is that two-thirds of children killed in alcohol-related crashes are passengers driven by an impaired driver. We also know that seat belt use for children generally decreases the more impaired a driver becomes. MADD calls for the establishment of a national primary seat belt standard. States would be eligible for "jumbo" financial incentives for three years. States that have not enacted this lifesaving measure after three years would lose Federal highway construction funds.

MADD also calls for the enactment of a national standard to combat "higher-risk drivers." "Higher-risk drivers" are defined as repeat offenders, those with BACs of .15 or higher, or persons caught driving on a suspended license when the suspension is a result of a prior DUI offense.

This priority is one that has personal meaning for me. On September 19, 1984, a high BAC driver caused the head-on collision that killed my 32-year-old sister Becky and my 22-month old nephew Timmy. Three hours after the crash, the offender tested at a .16 BAC. Police pulled four empty bottles of alcohol from his vehicle.

While higher-risk drivers are a small portion of the population, they pose a significant threat to innocent motorists. On a typical weekend night, only one percent of drivers have a BAC of .15 or higher, but high BAC drivers were involved in over one-half of all alcohol-related traffic deaths in 2000. And, about one-third of all drivers arrested or convicted of DUI are repeat offenders. Clearly, we need leadership from Congress and the Administration to encourage States to act now to get this most dangerous segment of the driving public off of our roads.

MADD is backing research-based solutions to address the higher-risk driver through what we call: Restrictions, Restitutions and Recovery. Restrictions include mandatory sentencing, strict licensing and vehicle sanctions such as immobilization and ignition interlock devices. Restitution includes payment to victims and to the community by offenders. Recovery focuses on efforts to address the offender's substance abuse and addiction. States that do not enact comprehensive higher-risk driver legislation would lose Federal highway construction funds.

Lastly, MADD calls on Congress to enact a national ban on open containers in the passenger compartment of motor vehicles. Open container laws separate the consumption of alcohol from the operation of a vehicle. A common-sense measure, banning open containers in the passenger compartment of a vehicle will decrease the likelihood that drinking and driving will occur. One NHTSA study found that States with open container laws have lower rates of alcohol-related fatalities, while another study conducted by the Stanford University Institute for Economic Policy Research found that, controlling for other variables, open container laws had a significant effect on reducing fatal crash rates (by over 5 percent).

The Kentucky Bus Crash reminds us that for every loss and for every tragic death and injury there is untold suffering and emotion. That said, MADD is committed to advocating research-based and proven-effective countermeasures to prevent others from having to experience what the families of these victims have suffered.

It's not about feel good. It's about doing what is right, and doing what will most effectively save lives. That is what drives our agenda, and that is what is behind our proposals for the reauthorization of TEA-21.

NHTSA'S FISCAL YEAR 2004 BUDGET PROVIDES INADEQUATE RESOURCES AND LITTLE GUIDANCE TO REACH HIGHWAY SAFETY GOALS

In the Fiscal Year 2004 Budget in Brief, NHTSA states that it is "committed to pursuing an aggressive safety agenda" and that "[b]ehavioral safety initiatives will be directed to increasing safety belt use and deterring impaired driving, which are central to achieving the Department's traffic fatality goal." While NHTSA's funding request appears to have increased monies for behavioral funding, this is not the case. In fact, the fiscal year 2004 request is less than the fiscal year 2003 request. This is because the fiscal year 2004 request includes \$222 million of TEA-21 resources for the Sections 157 and 163 grant programs formerly appropriated in the Federal Highway Administration budget. NHTSA has always administered these funds and is now requesting receipt of this funding directly. This apparent increase is really no increase at all, just a shifting of grant funds.

The current fiscal year 2004 request for behavioral funding is \$516,309,000, but once Sections 157 and 163 monies are subtracted the amount is lowered to \$294,309,000. The fiscal year 2004 request is actually \$234,000 less than the fiscal year 2003 request.

Additionally, only a percentage of this funding will be spent on behavioral safety since States are able to use this funding for roadway safety/highway construction projects.

One of NHTSA's primary fiscal year 2004 goals is to reduce the rate of alcohol-related highway fatalities per 100 million vehicle miles traveled (VMT) to 0.53. In its Budget in Brief, NHTSA states the following:

"The 2003 target of .53 per 100 million VMT, if met, will result in a reduction of alcohol-related fatalities to 15,600 . . . It will be a challenge to meet this target by the end of 2003. The agency is implementing new programs in 2003 that should begin to see positive results by the end of the year. Even though NHTSA should begin to see results in 2003, the agency still may not be able to achieve the target without the States and communities enacting and, more importantly, enforcing strong alcohol laws and reforming their individual impaired driving control systems."

However, it is not clear from the fiscal year 2004 budget what these new programs are and where the money is coming from to continue them. NHTSA's fiscal year 2004 budget request clearly does not reflect the severity of the impaired driving problem. While NHTSA's fiscal year 2004 budget states that "Protecting vehicle

occupants and deterring impaired drivers are among the major ways we are able to reduce death and injury,” the level of funding for impaired driving countermeasures is utterly insufficient. For example, the Impaired Driving Division budget request is significantly lower than fiscal year 2002 enacted levels (10,926,000 fiscal year 2004 request compared with 13,497,000 fiscal year 2002 enacted). NHTSA states that “Aggressive actions are needed to expand focus on several key high-risk populations, including underage drinkers, 21–34 year olds, and repeat offenders,” but seeks fewer resources to reach these goals.

Under “Anticipated Fiscal Year 2003 Accomplishments” NHTSA recognizes that “Two nationwide law enforcement mobilizations (July and December) will be conducted,” bolstered by a national media public service advertising campaign. The “Click It or Ticket” national law enforcement mobilization campaign has been highly successful at increasing seat belt usage. Thanks to the Senate, funds were dedicated in the fiscal year 2003 budget to conduct similar national mobilizations to reduce alcohol-impaired driving deaths and injuries. However, NHTSA does not request any funding to continue this effort.

Additionally, NHTSA’s State & Community Highway Safety Program drastically reduces funds available to States for impaired driving initiatives. NHTSA’s fiscal year 2004 request provides a \$50 million impaired driving grant program to only a subset of States to demonstrate the effectiveness of a comprehensive approach to reducing impaired driving and for identifying causes of weakness in a State’s impaired driving control system. This funding level is \$100 million less than funds available to States in fiscal year 2003 for impaired driving improvements.

While NHTSA continuously states that reducing alcohol-related traffic fatalities is a top priority, the fiscal year 2004 budget request does not support these assertions.

ADMINISTRATION’S “SAFETEA” PROPOSAL CUTS ALCOHOL-IMPAIRED DRIVING FUNDING AND INCENTIVES, LACKS BEHAVIORAL SAFETY FUNDING

MADD was dismayed to learn that impaired driving control programs merit less than one page out of the 378 page U.S. Department of Transportation (DOT) surface transportation proposal. DOT’s proposal, “SAFETEA,” falls woefully short of real “safety” for America’s roadways and includes an inadequate response to this urgent national problem.

“SAFETEA” decreases funding for alcohol-impaired programs by 67 percent. The proposal recommends an impaired driving program of only \$50 million, far less than current funding levels and clearly not enough to reverse this deadly trend. In fiscal year 2003, TEA–21 authorized \$150 million for alcohol-impaired driving countermeasures and also contained requirements for States to enact repeat offender and open container laws. If States failed to pass these alcohol-impaired driving laws then a percentage of their Federal construction funds were transferred. Not only does “SAFETEA” cut impaired driving funding to \$50 million, it also does not include any incentives to States to enact alcohol-impaired driving laws.

In comparison, DOT’s Recreational Trails Program (RTP)—\$60 million in fiscal year 2004—receives 20 percent more funding than the Impaired Driving Grants Program. The RTP program provides funds to develop and maintain recreational trails for motorized and non-motorized recreational trail users. It appears, at least from a budget standpoint, that keeping recreational trails safe for a small population of users is even more important to DOT than keeping all highway users safe from impaired drivers.

The overwhelming majority of “safety” funding in the “SAFETEA” proposal is budgeted in the new “Highway Safety Improvement Program” (HSIP), which is really a highway construction project program. In 2004 alone, \$1 billion is allocated to the HSIP program. These funds are to be used for “safety improvement projects,” defined below.

“A safety improvement project corrects or improves a hazardous roadway condition, or proactively addresses highway safety problems that may include: intersection improvements; installation of rumble strips and other warning devices; elimination of roadside obstacles; railway-highway grade crossing safety; pedestrian or bicycle safety; traffic calming; improving highway signage and pavement marking; installing traffic control devices at high crash locations or priority control systems for emergency vehicles at signalized intersections, safety conscious planning and improving crash data collection and analysis, etc.”

While these are all important activities, DOT itself recognizes that human behavior, not roadway environment, is overwhelmingly seen as the most prevalent factor in contributing to crashes. The General Accounting Office (GAO) released a report

in March 2003 that reconfirms this premise after surveying data, experts and studies focusing on factors that contribute to motor vehicle crashes. Given that behavioral factors account for the majority of traffic crashes, it is difficult to understand the vastly disproportionate funding levels for behavioral versus roadway construction safety programs and why DOT allows a significant portion of the behavioral funds to be used to augment even more roadway construction spending.

While NHTSA continuously states that reducing alcohol-related traffic fatalities is a top priority, the Administration's "SAFETEA" proposal does not support these claims.

INCREASED RESOURCES ARE REQUIRED TO SIGNIFICANTLY REDUCE HIGHWAY DEATHS AND INJURIES

Research demonstrates that certain programs and initiatives will significantly reduce traffic deaths and injuries. In order to implement these programs and initiatives, increased resources are needed. The reauthorization of Federal highway safety programs provides the vehicle to obtain more resources to combat this public health problem. MADD urges Congress to consider the merits of each traffic safety program based upon their ability to reduce or prevent alcohol-related traffic fatalities. MADD's goal is to ensure that Federal traffic safety dollars are spent on effective programs and that States pass basic laws to combat alcohol-impaired driving.

NHTSA's traffic safety budget is wholly inadequate. Faced with the highest number of highway fatalities since 1990, and a cost to America's economy of over \$230.6 billion annually, the agency's budget request should reflect the growing need for more resources rather than maintain the status quo. Currently, the Federal government's funding for traffic safety programs does not reflect the importance of this public health crisis. The reauthorization of TEA-21 offers Congress the opportunity to review and reallocate funds to traffic safety.

GAO REPORT HIGHLIGHTS DEFICIENCIES IN OVERSIGHT OF HIGHWAY SAFETY INITIATIVES

Recently the General Accounting Office (GAO) released a report detailing the management and use of Federal highway safety programs and funding. GAO concluded the following:

" . . . NHTSA's oversight of highway safety programs is less effective than it could be, both in ensuring the efficient and proper use of Federal funds and in helping the States achieve their highway safety goals."

GAO's report shows that Federal oversight of State spending on highway safety programs has been inadequate in the face of rising traffic deaths and that NHTSA has not been consistently monitoring how funds are being used. GAO also found that NHTSA has no consistent policy for conducting State reviews or improvement plans. As a result, some regional offices conduct reviews as infrequently as every two years, while others conduct them only when a State requests one. This clearly enables some States to slip through the cracks. For example, the report found that the rate of alcohol-related traffic deaths rose in 14 States between 1997 and 2001; in seven of those States, the rate was higher than the national average, but only one of the seven States had a NHTSA improvement plan. The GAO also found that seat belt use was declining in some States that didn't have NHTSA improvement plans.

The GAO report also reveals how States use some of their highway "safety" funding. States that did not meet either the open container or the repeat offender requirements in TEA-21 has a percentage of funds transferred from their Federal highway construction program to their Section 402 highway safety grants program. However, States were also able to allocate transferred funds to highway construction projects under the Federal Highway Administration's (FHWA) Hazard Elimination Program (HEP). An overwhelming 69 percent of the transferred funds were used by States for construction anyway projects anyway, the GAO reported.

The GAO report demonstrates that more Federal oversight and guidance is needed for the expenditure of Federal highway safety funds to ensure that these funds are spent on effective behavioral programs. Clearly there are legitimate areas of public health and safety in which the Federal government should be involved in setting standards. Similar to airline safety, highway safety warrants Federal government involvement. In this country we have a national highway system. Families should be protected from the consequences of impaired driving whether they are driving through Alabama, Washington or North Dakota. Impaired drivers do not recognize state boundaries. Drunk driving is a national problem and it demands a national solution.

CALL TO ACTION: NATION'S LEADERS MUST PROVIDE A ROADMAP

However, our Nation lacks a clear, coordinated national and state solution to reduce impaired-driving deaths and injuries. Congress now has the opportunity to dedicate proper funding to address this public health epidemic, and to ensure proper use of these funds. While continued research efforts are critical in order to identify new and improved methods to deter drunk driving, there are many proven, research-based strategies that are not being used to reverse the current deadly trend. These strategies can and must be employed to make progress in the effort.

MADD urges Congress to provide adequate funding to NHTSA, and to require NHTSA to develop a roadmap for itself and the States to significantly reduce alcohol-related deaths and injuries. The Nation is waiting for short-term, immediate strategies such as high-visibility enforcement efforts and sobriety checkpoints to turn this trend around, as well as long-term strategies that will ensure our safety on America's roadways for years to come. Our Nation can no longer afford the current state of inaction on this issue.

Today, we are at a historic crossroads as Congress takes up the multi-billion dollar reauthorization of TEA-21 that will shape transportation policy for the rest of this decade and beyond. Maintaining the status quo, or worse, decreasing resources dedicated to fighting drunk driving will not reverse this deadly trend. This is our best chance to ensure adequate highway safety funding, to ensure that these funds are being used effectively, and to enact laws that will keep drunk drivers from getting behind the wheel. I urge Congress to adopt MADD's proposal and create safer roads for all Americans. Thank you.

Senator CAMPBELL. Thank you. Mr. Hurley.

STATEMENT OF CHARLES HURLEY, VICE PRESIDENT, NATIONAL SAFETY COUNCIL

Mr. HURLEY. Thank you, Senators. I am Chuck Hurley, Vice President of the National Safety Council's Transportation Safety Group and Executive Director of the Airbag and Seatbelt Safety Campaign.

Much of the recent progress in highway safety is a direct result of the leadership of this committee. Chairman Shelby's support of "Click It or Ticket", Senator Murray's support of "Click It or Ticket", and the support that the committee has given to paid ads has been instrumental. In fact, people are alive across this country because of the work the committee has done in recent years. Other States certainly on the committee are also involved in this progress.

Regarding the administration, we want to applaud the administration's focus on belt use, and specifically the \$100 million fund that Dr. Runge, we give him credit for getting that in the budget. We believe that that will entice a number of more States.

I am proud to say, and Senator Durbin will probably say when he gets here, that Illinois this week became the 19th State plus the District of Columbia and Puerto Rico to get a primary belt law. That makes right at 59 percent of the population of the United States covered by belt law, which is a good start. We need to get that to 100 percent.

Again, to emphasize how important belt use is, if we could get the country to where Washington State has proven we can go—and as Dr. Runge said, the other Western States and Puerto Rico as well—we could save upwards of 4,000 lives a year by getting belt use up to the level of most developed countries in the world.

Belt use and drunk driving are not just two other highway safety priorities. They are fundamental to the progress we hope to achieve.

I would also like to commend the performance of the Federal Motor Carrier Safety Administration for its 4-year record of reductions, the 3.5 percent reduction I think in fatalities since last year, and also the provisions for traffic records and data collection in the budget as well.

Regarding MADD, the Nation owes MADD an extraordinary debt of gratitude. I have been with the National Safety Council a long time, have lobbied the U.S. Senate before MADD. Senator Pell introduced a bill in the late 1970's, a very modest bill, got no hearing whatsoever.

With MADD's first national press conference in October, 1980 things began to change. Without MADD, we would not have had President Reagan's Drunk Driving Commission. We would not have had a drinking age of 21. We would not have had most administrative license revocation laws. We would not have had the .08 law. And we probably would still be losing 27,000 lives a year. Equally importantly, the victims of this violent crime would have no place to turn. So, again MADD is owed an extraordinary debt of gratitude.

Regarding law enforcement, it is hard to overstate the role that they play in highway safety. I know a number of us, Wendy and I, really consider law enforcement to be every day heroes. Out there all day long, late at night, stopping people not knowing what is in that car. A good example was this week at the checkpoint and the launch here in the District of "Click It or Ticket", where at 10:00 in the morning they stopped a suspected drunk driver on Nebraska Avenue that was so drunk at 10:00 in the morning that he passed out and was taken away in an ambulance.

The work law enforcement does every day is extraordinary. We ask them to do some of our toughest jobs, but none tougher than pulling kids out of cars and knocking on doors late at night. A number of them have said that they would rather give out 1,000 tickets than have to do that again.

Regarding the budget, we at the National Safety Council have a sincere concern that the budget in key areas is simply not adequate. Wendy Hamilton of MADD raised the issue of the paid ads. That is critical, I think, to make further progress in this country on both belts and alcohol. The fact that it is not in the budget is very concerning to us.

It has been said that people who admire law and sausage have watched neither being made. The same probably extends to budgets. I am not sure how it was not put in the budget but we hope that this committee will put it back.

We also are concerned, again, that there is simply not enough funding for drunk driving efforts. As Wendy Hamilton indicated, for the proposed funding to be higher for recreational trails than for drunk driving programs in this country to us makes no sense whatsoever and we hope this committee will seek to address that.

In the exhibits attached to my statement we have tried, at the Airbag and Seatbelt Safety Campaign to put what has proven to work into your hands in exhibits. We hope that that will be made a part of the record.

The one exhibit I would like to draw your attention to is one of our favorite charts. This is exhibit D, I believe. It is on the left-

hand side, the last attachment on the left-hand side. It shows how important paid advertising is and how important high visibility enforcement is.

You can see with the green line of serious and fatal covered injuries and the red line of observed driver belt use in North Carolina, where Dr. Runge and I would like to be, you can see that real progress began really with the Operation Buckle Down Program. As you drive belt use over 80, the serious and fatal injuries drop very substantially.

At 75 percent we have virtually every low risk driver in the Nation buckled up. But that is a daytime rate. That is when belt use is observed.

In contrast to that, the high risk drivers, specifically teenagers, their belt use in fatal crashes is only 36 percent. The belt use their teen passengers is only 23 percent. And it is not really until you get to high visibility enforcement that you do pick up the high risk drivers.

In addition, in North Carolina the Booze It and Lose It Program was able, through highly visible enforcement and paid ads, just as we are recommending to the committee, that took an already good program in North Carolina and cut the rate of intoxicated drivers at nighttime checkpoints in half.

High visibility enforcement works. We strongly support its inclusion in the budget.

If Senator Durbin were here I am sure he would want to also point out that with Illinois' enactment of the primary belt law this week that they are looking very much forward to the administration's proposal where they would qualify for a maximum grant of \$31,280,000. I believe they would be the first success story of this proposal. We would strongly support any effort to get Illinois that money.

They also passed probably the Nation's best racial profiling law, a booster seat bill, a passenger restriction on graduated licensing intermediate stage drivers as well, and have really become a model for the Nation.

PREPARED STATEMENT

Finally, I would like to thank the funders of the campaign, without whom our work would not be possible, the automobile manufacturers, the airbag suppliers and one major insurer.

We would, I think, all be delighted to respond to questions that the Senators might have. Thank you.

[The statement follows:]

PREPARED STATEMENT OF CHARLES HURLEY

Mr. Chairman and members of the Subcommittee, thank you for inviting us to testify before you about a very important issue, highway safety. I am Chuck Hurley, Vice President of the Transportation Safety Group at the National Safety Council and Executive Director of its Air Bag & Seat Belt Safety Campaign.

Allow me to express our thanks for the leadership of the Subcommittee—Senators Shelby and Murray—for the support you have provided for the efforts of NHTSA and the Campaign to increase seat belt use. The resources you have made available have helped to save lives and prevent injuries.

HISTORY/CAMPAIGN'S PHILOSOPHY

In July 1996, an alarming trend was emerging: people—most of them children—were being killed by air bags. Pressure to overturn the mandate for driver and passenger side air bags—proven life savers for properly restrained adults—was mounting. As one million new passenger air bag equipped vehicles entered the fleet every month, a coalition of interested parties, primarily funded by the auto manufacturers, formed what is now the Air Bag & Seat Belt Safety Campaign, which celebrated its seventh anniversary yesterday.

Our goal was to save lives by informing the public of the steps they could take to maximize the benefits and minimize the risks of air bags, and to increase seat belt use. A close examination of the child air bag fatalities revealed a chilling trend—these children were almost all unbuckled or incorrectly restrained in the front seat.

Seat belt use is the key to maximizing the lifesaving benefits of air bags and to reducing the staggering number of people killed and injured in crashes every year. The Campaign is focused on increasing seat belt and child safety seat use in addition to continuing to promote air bag safety. The Campaign's work is grounded on a fundamental principle—to employ only strategies tested and proven to work. As such, communications are used to support interventions proven effective in getting people to buckle up.

At recent and current levels of belt use, the only interventions proven effective in significantly increasing seat belt and child restraint use are strong laws and highly visible enforcement. The three key elements of the Campaign's strategy are to enact strong safety belt laws, enforce those laws to the fullest extent of the law and to educate the public.

PRIMARY BELT LAWS

Achieving the country's current 75 percent belt use rate has been remarkable considering that we are building on a foundation of weak State seat belt laws. Only 18 States and the District of Columbia have strong, primary enforcement laws which allow a vehicle to be stopped and the driver and/or passengers ticketed solely for not wearing a safety belt. Secondary laws, which require the vehicle to be stopped for another violation before issuing a seat belt ticket, are more suggestions than they are laws.

The Campaign has been active in 25 States pursuing stronger seat belt laws with successes in seven States. We have been involved with every State that has passed a primary enforcement law since 1997. When we started, 37.5 percent of the U.S. population was covered by primary laws. Today, that figure stands at 54 percent. This increase represents an additional 51 million people now covered by these lifesaving measures.

ENFORCEMENT MOBILIZATIONS

The centerpiece of the Campaign is the Click it or Ticket Mobilization—a twice yearly, 50-State seat belt and child passenger safety enforcement drive. The Mobilization is sponsored by the Campaign in partnership with the National Highway Traffic Safety Administration, the National Transportation Safety Board, the International Association of Chiefs of Police, Mothers Against Drunk Driving, the National Sheriffs Association, the National Organization of Black Law Enforcement Executives and with the support of more than 1,000 businesses and community organizations.

Just last week, we were delighted to be joined by so many members of the Administration, including Transportation Secretary Norman Mineta, NHTSA Administrator Jeff Runge, M.D., and Surgeon General Richard Carmona, M.D., as we kicked off the Click it or Ticket Mobilization. This is the first Mobilization to be supported by significant national and State advertising, with funding sponsored by the leadership of this Subcommittee.

The Click it or Ticket enforcement push runs from May 19 to June 1. During the Mobilization, the message to teens and young adults—in the TV and radio ads, in schools, in internet chat rooms, and at enforcement zones near where young people congregate—is to use a seat belt or risk getting a ticket.

The purpose is not to give out more tickets, it is to increase belt use, save lives, and prevent injuries.

The Click it or Ticket Mobilization replicates a highly effective seat belt enforcement example that is based on a model developed in Canada where high visibility enforcement has resulted in belt use rates that exceed 90 percent.

The first statewide implementation of the Click it or Ticket model, including paid advertisements that supported the enforcement, came in North Carolina in 1993. Belt use immediately jumped 15 percentage points in three weeks and remains above 80 percent in the State. This sTEP (selective Traffic Enforcement Program) model combines periodic waves of stepped up enforcement of seat belt and child passenger safety laws with aggressive publicity highlighting the enforcement. The program aims to deliver the message that law enforcement will be ticketing seat belt and child passenger safety law violators.

The Air Bag & Seat Belt Safety Campaign created the first nationwide Mobilization in May 1997, with 1,000 law enforcement agencies from all 50 States participating. Now, after 12 Mobilizations, the number of participating agencies has climbed to more than 12,500, representing hundreds of thousands of law enforcement officers nationwide, and reaching 99 percent of the U.S. population.

The fact that there continues to be such strong participation and leadership from our Nation's law enforcement in the Mobilizations is a clear demonstration of their commitment to saving lives. We ask our police to do the toughest jobs, but none tougher than pulling dead children out of vehicles, and knocking on doors late at night to inform family members they've lost a loved one to a traffic crash. We are honored to work with police throughout the year, but especially during these Mobilizations.

In the 6 years since the Mobilizations began:

- Child fatalities from traffic crashes have dropped by 20 percent.
- Restraint use among toddlers has jumped dramatically from 60 to 94 percent and among infants, ages 0–1 from 85 to 99 percent. Restraint use for children ages 4 to 7 is 83 percent.
- Adult seat belt use has risen from 61 percent to 75 percent—the highest use rate ever—with 39 million more Americans buckling up.
- The rate of child-related airbag fatalities has declined 94 percent.

SUCCESS OF PAID ADVERTISING

In the early days of the Mobilizations, there was a heavy emphasis on earned media. Working with others, we were able to generate extensive coverage about the job that our law enforcement was doing to ensure our safety. However, it became evident to us that to continue to achieve gains in national seat belt use rates, the element of paid advertising needed to be added to the equation.

Young people in particular are least likely to buckle up and least likely to be impacted by earned media because they tend to not watch or read the news. To reach them with an enforcement message (research shows that those who refuse to buckle up are likely to change their behavior with the threat of a ticket and not from a public education message), we needed paid advertising to assure targeted messaging. By targeting paid advertisements to their demographic, we directly let them know that if they won't buckle up to save their lives, they should do so to avoid a ticket.

In May 2001, high-visibility enforcement was coupled with paid advertising in eight southeastern States with remarkable success. The Campaign partnered with NHTSA's Region IV office in Atlanta to implement the first multi-state seat belt use enforcement program. The Campaign invested \$500,000 in paid advertisements throughout the region as the individual States purchased an additional \$3.25 million worth of paid media.

As a result of this program, safety belt use increased in the region by nine percentage points. Sustaining belt use at that rate would have produced a savings of 650 lives and \$950 million in economic costs. This increase represented an additional 4.5 million people buckling up!

The success of Region IV was followed up with an additional 12-State pilot program in May 2002. With the assistance of this Subcommittee, \$8 million was earmarked in NHTSA's budget to expand on previous successes and determine if the program would work in other parts of the country.

Once again, the program worked and lives were saved. While there were 12 States that received specific funding through the earmark, additional States also participated in high-visibility enforcement activities with their own funds. In total, 23 States and the District of Columbia used the Click it or Ticket slogan with paid advertisements. Another 14 States used a non-Click it or Ticket slogan with paid advertisements.

With so many States implementing varying programs, NHTSA was able to extensively evaluate the effectiveness of these projects. States that fully implemented the Click it or Ticket model with paid advertising saw an average increase of 8.6 percentage points in seat belt use. That was compared to States that diverged slightly

from the model, with some paid advertising and States that diverged from full implementation with no paid advertising. The latter two categories of States saw an increase in belt use of 2.7 percentage points and 0.5 percentage points, respectively.

Congress followed up this past February with another earmark to support the Mobilization that is happening right now across the country. In the Omnibus fiscal year 2003 Appropriations bill, \$10 million was earmarked for a national paid advertising campaign to support the current seat belt Mobilization.

Through the leadership of this Subcommittee, as well as other groups like MADD, this same strategy has been extended to include impaired driving mobilizations. We are pleased to be able to partner with MADD in our mutual goal of reducing fatalities through enforcement strategies that are proven to work.

The Campaign continues to believe that paid advertising is an essential element in the national effort to increase existing belt use rates. Research has shown that further educational appeals to non-belt users will produce little or no change in behavior.

The 2001 Report of a National Seat Belt Summit, a gathering of more than 45 national leaders in early 2001, concluded the following: "Catchy slogans and public service campaigns alone are not the answer. Public policies must support strong State belt-use laws, encourage effective enforcement of those laws, and provide the resources necessary to carry out these activities." The Report called for expansion of "highly visible and effective enforcement programs, supported by coordinated paid advertising . . ."

MOVING FORWARD

Given all of the data that is available, we request that the Subcommittee continue to earmark substantial funding to purchase national and State paid advertising to support three Mobilizations in fiscal year 2004. By providing funding to purchase national paid media the country can take the necessary steps to achieve the goals of higher seat belt use, and improved traffic safety.

We are still studying the Administration's highway reauthorization and funding proposals. We applaud the Administration's emphasis on seat belt use and primary seat belt use laws. We specifically support the \$100 million in incentive grants to States that have or will enact primary belt use laws.

On behalf of the National Safety Council, let me state that we do not believe there is adequate funding in the Administration's reauthorization proposal for drunk driving or the other important state highway safety programs.

Thank you, Mr. Chairman, and I would be pleased to respond to any questions the Subcommittee might have.

[CLERK'S NOTE.—Attachments to Mr. Hurley's prepared statement will be retained in subcommittee files.]

Senator CAMPBELL. Thank you. I have a few and I am going to bounce around a little bit here. Maybe I will just go ahead, since you were the last one who spoke, Mr. Hurley.

You mentioned some of the highway funding going to perhaps other things. What is your view on transportation money, highway money, going to bike trails and hiking trails and so on?

Mr. HURLEY. We support that obviously, and we also support the safety-related construction. It does save lives. But most of the SAFETEA road construction would see benefits over a 20- to 30-year period.

As Wendy Hamilton of MADD has said, if we want to reduce the FARS right now, the best way to do it is the things that are recommended in high visibility enforcement. It is an unfortunate fact that priorities do have to compete in the highway bill. But for recreational trails to be funded at a higher level than drunk driving, we think, is a hugely misplaced set of priorities.

Senator CAMPBELL. Thank you.

As you know, we went from a huge surplus in just about 20 months now to who knows, maybe a \$350 billion deficit in the next 10 years. I think a lot of things are going to be in competition for the existing dollars, as you probably know.

Ms. Sandberg, did I hear you say there are 800,000 shipments of HAZMAT a day in the United States?

Ms. SANDBERG. Yes, sir.

Senator CAMPBELL. Do you have a figure for the number that are involved in accidents?

Ms. SANDBERG. I do not have that, but I can get it for the record. [The information follows:]

Only 15-20 trucks transporting hazardous materials are involved in an accident each day. In the majority of these crashes (84 percent), there is no leakage of hazardous materials.

Senator CAMPBELL. If you would supply that I would appreciate it. I was one person that was not thrilled at all about the movement of the hazardous material to Yucca, Nevada. One of the reasons was a lot of it was going to go through the city in my State which is Denver, or on rail down what is called Glenwood Canyon besides a river that supplies something like seven States. It is part of the Colorado system. We were really concerned about that. I would be interested in knowing that number.

Let me skip to maybe something else now and I will probably get in trouble for bringing this up, but the Federal Motor Carrier Safety Administration is reviewing and about to change their hours of service proposal. I am not sure if we have got the availability of resources to carry at the rulemaking and to conduct what the Congress has mandated. Would either one of you like to, Dr. Runge or Ms. Sandberg, like to comment on that?

Ms. SANDBERG. The changes in the hours of service rule?

Senator CAMPBELL. Yes.

Ms. SANDBERG. Yes. Actually, we recently made those changes after a number of years of deliberation. Actually, we had over 53,000 comments.

The changes in the rules, in working with our partners at the States who do most of the enforcement, the main group is the Commercial Vehicle Safety Alliance, has indicated that they feel that the new rules are going to be easier to enforce because they move truck drivers more towards a 24-hour clock.

What it requires is that driver have 10 hours off. They can work 14 consecutive hours. Once they go on the clock, those hours start consecutively so that they cannot take breaks and build their work day into 20 or 24 work days.

Senator CAMPBELL. They can work 14, but not drive 14.

Ms. SANDBERG. No, they are only allowed to drive 11 of that 14. So that moves them more towards a 24-hour clock, which helps law enforcement look at their log books and determine exactly how much they have been working and able to enforcement that.

We also have a follow-on rulemaking that will occur within the next year or so which is to shore up one of the areas that has been a concern of the enforcement community, and that is the documents that drivers are required to keep as part of their log book. So that it shows restaurant receipts and those kinds of things.

So we are working on trying to shore up the areas where enforcement has told us that there are some concerns.

Senator CAMPBELL. I never was a supporter of that, either. You probably know that. I do not know if you have ever driven much in the 18-wheelers, but I have. And I can tell, knowing from some

people who have done it, that faking log books is not all that difficult. It has been done for years. Even before there was log books there were things called clocks that they used to keep. Not difficult at all to fake those things.

So I hope it works. I know the ATA is supporting these rule changes, the American Trucking Association. But all I hear from drivers themselves is that it is going to be bad. It is going to really cut into their ability to make a living. It is going to clog the highways with more trucks that have to make up the shipping for the ones that have to be parked.

I have heard it from truck stop owners, literally all kinds of people thinking that the hours of service are going to be more detrimental than helpful. I hope they will be helpful.

But there is something else that has been on my mind lately. And this is probably where I am going to get in trouble with AARP and a few other senior groups. That is the way the regs work now, if you have a truck that is over 26,000 pounds gross vehicle weight you have to have a license. You have to have a CDL, different levels.

But there are vehicles out there, big RVs, 45 feet long. They can go legal limit now 45 feet. Some of them gross 40,000 pounds. That is big vehicle. And they can tow a 20-foot trailer, too. And a lot of the people that are buying those great big beautiful motor homes, that are very expensive as you might guess, are people that summer where it is nice in the summer and they go where it is nice in the winter. That means they are going back and forth twice a year from Wisconsin to Florida or from maybe Oregon to Yuma, Arizona, where there are thousands upon thousands of RVs every winter.

I guess the good news of that is that they are only driving it twice a year. But that is also the bad news, they are only driving it twice a year. Because these vehicles are much bigger than most of the lower levels of the guys who have to have CDLs that are professional drivers and have to go through training and do all this other stuff, I am wondering what your reaction is to the view, at least in some circles, the people that drive these great big RVs ought to also be required to have some kind of training or special licenses, because they have got air brakes, they have got diesel engines, they have everything that the trucks have on them. And yet they do not have to comply with anything.

Ms. SANDBERG. We have not, at the Motor Carrier Administration, specifically looked at requiring commercial drivers licenses for these types of vehicles. Right now our focus has been on commercial motor vehicles, which is trucks and buses.

Senator CAMPBELL. They are not going to be commercial drivers. They do not haul anything except their family and their toys. But I am thinking from a safety standpoint and a training standpoint because a lot of them—one thing about the truck drivers, they are out there 8 or 10 hours a day driving the things. But the people during the big RVs are not. They drive them from A to B and then they park them for months.

Ms. SANDBERG. Clearly from a training standpoint, and I will have to put on my NHTSA hat here from when I was over at NHTSA, one of the things that we always looked at is that any

time somebody moves to a different type of vehicle, they should have some type of training. I think we were speaking before the hearing about people that buy a motorcycle and how helpful it is if they have some motorcycle training before they get on that motorcycle.

The same with some of the training regimes that we have worked on in NHTSA with States to look at young drivers and making sure that they are appropriately trained before they get behind the wheel of that car, whether it be through graduated drivers license programs or other types of education.

I am not aware of any studies looking specifically at RVs and drivers that have not driven that large of a vehicle before.

MOTORCYCLE FATALITIES

Senator CAMPBELL. From a legislative standpoint, there is the law of possibility and the law of probability. It is possible we could make some kind of a law or rule about training but the probability, knowing what kind of a buzz saw that would cause with the senior groups, it is probably not going to happen. But it is just something for thought.

Since you brought up something that is of particular interest to me, as you know, and that is motorcycles and motorcycle safety, I read recently that the number of deaths on motorcycles has gone up quite a bit in this last year. Have you done, Dr. Runge, studies on who it is that is dying? Age group, training, something along that nature.

Dr. RUNGE. Yes, Senator Campbell. As a matter of fact, when we look at the increase in deaths on the highways over the last year, a goodly proportion of that increase was due to an increase in motorcycle fatalities. Fortunately, this past year the increase has dampened a bit, but we still saw about a 3 percent increase in motorcycle fatalities year to year. As you suggest, the largest number of those is in the 50- to 59-year-old age group.

However, we still have a tremendous problem with impaired riding. Although just under 40 percent of motorcycle crashes are alcohol-related, it should be pointed out that even at lower levels of alcohol, riding a motorcycle becomes more difficult. I think there are right brain functions, activities that are second nature to a rider, such as handling a curve and looking peripherally, that do not do well.

Senator CAMPBELL. People who drive automobiles and drinking are impaired. People to drive motorcycles and drink are just plain crazy.

Dr. RUNGE. Thank you for pointing that out.

We are addressing this. We do have a \$656,000 request in the fiscal year 2004 budget particularly related to programs for motorcycle riders. We are interested in training. We just developed a motorcycle safety plan, which I hope you have had a chance to take a look at, that we sent over in December. We would like to begin to implement the recommendations in that plan in the coming fiscal year.

This is an area where our stakeholders and our customers have very strong feelings about what should be done. We developed our

plan in concert with them. We hope that kind of collaboration can continue.

HIGH VISIBILITY ENFORCEMENT FOR IMPAIRED DRIVING

Senator CAMPBELL. In my view, the education and training certainly is more acceptable than more and more penalties which sometimes work and sometimes do not. We talk about alcohol-related crashes. My dad was an alcoholic. And over the years, I came to believe that all that tragedy and stuff that alcoholism causes, it is a form of sickness. Sometimes more and more penalties do not stop a person that has a sickness. They do it anyway.

I might also note with interest that the people who are dying, the highest percent that are dying on motorcycles now are the 50 to 60, you said. It would be my guess they were people who did not ride their whole life. Mom said they could not have one when they were young. Now mom is gone and they have got some money. And they saw that movie, *Easy Rider*, and they know they can do it. And they are too macho to take any dang training and so they have got to get on there and they buy some hundred thousand dollar killer and get out there and get hurt. But thank you for those numbers.

I think I had one other question before I ask Senator DeWine for his input. This "Click It or Ticket" campaign that was talked about, considering that has been rather successful, is there anything in the wind or being suggested that we might use something along that line for impaired driving or alcohol-related accidents?

Dr. RUNGE. Yes, sir, we currently do that. In fact, Mr. Hurley and Ms. Hamilton have gone on record as supporting high visibility enforcement with us. Mr. Hurley mentioned the "Booze It & Lose It" campaign that was successful in North Carolina.

This committee, in fact, appropriated right around \$10 million for a high visibility national advertising campaign this year, which we will kick off in about 4 weeks. In the alcohol area, we want to replicate those successes that have been achieved with seatbelts.

EMERGENCY VEHICLE SENSORS

Senator CAMPBELL. Thank you. Maybe one last question, and you might not have an answer to this because it came to me kind of accidentally.

There are so many noises out there driving now, distractions and noises. Radios, soundproof cars to drown out some of those noises, and older drivers that may have some hearing problems. I was recently told about a sensor that has been developed that can be put in commercial vehicles or personal vehicles that indicate when an emergency vehicle is near. I did not know how it senses it.

I was thinking, you know, we have got those things that you put on your bumper where deer can sense that you are near through some kind of a sound they can hear. So maybe it is related to that.

Are you aware of any kind of a pilot program that is being developed? I heard of one that is being developed in Colorado, by the way, in Summit County. A program is being developed that would tell you if police cars are coming? And I do not mean radar units. Something to keep you out of trouble.

Dr. RUNGE. I am not aware of that, but we will be happy to check into it and get back to you.

[The information follows:]

EMERGENCY VEHICLE CRASH AVOIDANCE TECHNOLOGIES

According to NHTSA statistics, in 1997 approximately 15,000 emergency vehicles were involved in traffic crashes, 75 percent of which are attributable to the other driver not yielding to the emergency vehicle. For emergency vehicles to safely respond to calls, they need systems that attract the attention of other drivers and elicit an appropriate response, specifically creating a clear path through which the emergency vehicle can travel. To accomplish this goal, many organizations operate sirens when responding to critical situations. However, with enhanced sound-proofing in vehicles and increased capabilities of in-vehicle sound systems, there is newfound concern that sirens are not heard, thereby contributing to crashes with emergency vehicles.

To remedy this issue, numerous inventors have developed technologies to provide enhanced information of emergency vehicle travel to other drivers. These devices are probably similar to the one being tested in Colorado. Some systems use wireless transmitters to send warning signals from the emergency vehicle to a transmitter in vehicles nearby. Other systems use acoustic sensors to pick up sirens and amplify them inside the vehicle. For example, Safety Cast, consists of a mobile transmitter designed to broadcast messages from emergency vehicles to other vehicles in the area. The Safety Cast consists of a two-mode alert: a tone followed by a message detailing the situation. Promoters of the product state that with this design drivers will be able, “. . . to make a much more planned and safer decision on how to respond” to emergency vehicles.¹ Another recent design, the Emergency Vehicle Early Warning Safety Systems (E-Views),² delivers directional information of emergency vehicle location with signs mounted on traffic signal mast arms. The Keio University in Japan has also designed a siren detection system that provides warning information to drivers when an external microphone detects sirens. (These systems operate on a different principle than air-fed deer whistles which were mentioned in the Congressional question. Contrary to popular beliefs, a recent study from the University of Connecticut found the whistles to be “acoustically ineffective.”³)

Previous NHTSA research found that the costs of achieving effective in-vehicle emergency vehicle warning systems far outweighed the benefits.⁴ The systems need to overcome significant technical hurdles to make the devices reliable under harsh driving environments and to minimize presenting drivers with distracting or annoying false alarms. However, advancing in-vehicle technology could prove to make such interventions cost-effective. In order to determine effectiveness, extensive research would need to address the following issues:

- System compatibility with all sirens implemented in the United States;
- Infrastructure requirements;
- Interface design, intended to not only gains the attention of drivers but promotes the most appropriate response;
- Maintenance requirements and system reliability;
- System state requirements, e.g., does the driver need to have the radio on, etc.

Senator CAMPBELL. Thank you. I have no further questions. Senator DeWine, did you have some questions?

Senator DEWINE. Mr. Chairman, thank you very much. Let me first just say that I am sure that Chairman Campbell would not charge you anything for his great quote about those who drink and ride motorcycles, if you want to use that. You would not charge them anything would you, Senator, about your great quote about those who drink and drive motorcycles? They could probably use that.

Senator CAMPBELL. Yes, you can use it. They are either crazy or suicidal.

¹More information is available at www.mysafetycase.com.

²More information is available at www.eviewsinc.com.

³Palmer, J. “Air-fed Deer Whistles Scientifically Tested.” UConn News, University of Connecticut Office of University Communications, November 19, 2002.

⁴Peterson, D.D. and Boyer, D.S. (1975). “Feasibility Study of In-vehicle Warning Systems.” DOT HS-801 569.

BUDGET REDUCTIONS IN IMPAIRED DRIVING PROGRAM

Senator DEWINE. I think that is a great quote.

Doctor, let me ask you, we have talked about the cuts in the alcohol programs. They cut, I believe, \$110 million in the safety incentives to prevent operation of motor vehicles by intoxicated persons, Section 163, \$40 million cut in the alcohol impaired driving countermeasures incentive grants. We have talked a little bit about those.

But you are not saying that those are not effective programs, are you?

Dr. RUNGE. If I could just frame this issue, Senator DeWine, this is one of these unfortunate issues of timing where we have reauthorization, and the budget moving through simultaneously. But, it is worth reflecting on the philosophy behind this reauthorization. Those monies that you just spoke of were formerly in the Federal Highway Administration's budget, but were administered by NHTSA.

What we are trying to do with reauthorization is to put the responsibility where it belongs, and the ability to deal with it where it belongs. And that is in the States.

The State alcohol-related fatality rates go from a low of 0.29 fatalities per 100 million vehicle miles traveled in Utah to 1.27, 3½ times that much, in South Carolina. We have, in the past, painted a very broad brush across this entire country. That has not been shown to be effective. There are pockets in this country where it is very dangerous to drive.

The reauthorization proposal brings the funds that formerly were in the Federal Highway Administration budget over to NHTSA in a combined 402 program that gets the money into the States with performance incentives. That is, the State's goals will be aligned with the national goals. In order to qualify for incentive funds, States will need to implement programs with their money—and the same money is there, it is level funded—they will have to apply those funds, instead of buying key chains and bobble-headed dolls. They will have to spend money where it belongs, which is in high-visibility enforcement and in dealing with the repeat offender and the chronic alcohol-user who gets behind the wheel of a car.

That is the philosophy behind this, and that is the basis of our fiscal year 2004 budget proposal.

Over the course of 6 years, there is a decrease in the funding that is specifically for alcohol from about \$14.7 million to right around \$11 million. However, that does not include the 402 funds that are still there, which we want to be applied to tackle the problem.

We are setting up incentives that will require States to do that, and giving them best practices which you all have paid for. We know what works. We know what is there. Getting the States to do it is a real challenge.

In Tennessee, they reduced alcohol fatalities with a double-digit effectiveness with "Checkpoint Tennessee". But, when the money went away, that money that you are speaking of, the program went away. That cannot happen anymore. We have got to hold States accountable for the money that they spend on these issues.

REAUTHORIZATION PROPOSAL EFFECT ON IMPAIRED DRIVING PROGRAM

Senator DEWINE. I want to make sure I understand, and I am going to take some more time to study your proposal. I have looked at it already, but we are not going to resolve this obviously today. I will be in contact with you personally about this. But I want to make sure I initially understand what you are telling me.

You are not telling me that you are transferring money away from this overall anti-drunk driving prevention or education program. Is that what you are telling me?

Dr. RUNGE. That is correct. What we have done with reauthorization is to take seven or eight different grant programs and combine them into a single 402 program. Plus, we added a \$50 million program that is specifically for alcohol programs in those States with the worst impaired driving problems. That \$50 million is not meant to be spread all over the entire country.

There are 12 States that, if they just got themselves to the national average, the result would be that we would be 80 percent of the way to our goal. We have got to get into those States and, first of all, evaluate them, find out what is going on in there, and then give them some special resources to pull themselves up by their boot straps, because right now, what we are doing is not working.

That is the \$50 million program that is being talked about. The rest of the grant programs are in a combined 402 program, with a level-funded formula program, as well as a well-funded incentive piece on top of that, so that States who meet those goals can get additional resources.

Senator DEWINE. Would anybody on the panel like to comment on that? Mr. Hurley or Ms. Hamilton?

Ms. HAMILTON. We have information that we will be happy to submit to the panel. The highway safety performance grant—there are three pockets of money. The State and community grants, the 402, is \$162 million. That is down \$3 million from the year before. That is a loss in funding.

There is performance grants of \$175 million, which can be given to the States to be used on alcohol-impaired countermeasures, but it gives the States the option of using that money for highway safety improvement programs.

As we saw from the GAO report, that is what happened in the majority of the times in the previous program where they were allowed to use that money for hazard elimination. It is just the same thing, a new game, and basically a shell game.

Again, previously in TEA-21, there was \$150 million that went to the States each year to deal with impaired driving programs. It is only \$50 million now. That is \$100 million loss. And it is only going to 12 States.

There needs to be money. I agree with Dr. Runge, there are States out there that it is more deadly to drive in than others. They need to have funding to do it, using it on effective research based programs that have shown to work and save lives and prevent injuries. But they also need to provide money to States so that they can sustain the level of performance and perhaps benefit even more.

DIVERTING IMPAIRED DRIVING FUNDS

Senator DEWINE. Doctor, what about the argument? And you can argue whether or it is good policy or not. But is she correct? Is Ms. Hamilton correct when she is saying that States could actually, under your proposal, divert the money to highway construction? You can argue that is good or bad, but is that true?

Dr. RUNGE. The programs that she is talking about were incentive grant programs for repeat offenders, and required States to meet four or five criteria to receive funding. Those funds can also be spent partly on road hazard elimination in the States that meet those eligibility criteria.

Therefore, it should not change the ratio significantly.

Senator DEWINE. You are saying they could do it before and they can do it again?

Dr. RUNGE. That is right. Let me back up for a second and talk about an underpinning of this program. Every State would be required to submit a comprehensive highway safety plan under the reauthorization proposal. The plan will have stakeholders that will be defined by regulation, but it will be people like MADD and law-enforcement, as well as the road builders and others in the State DOT, who will, based on each State's data, determine where their safety problems are.

There is no need for Utah to have largess for alcohol programs. But there is a tremendous need for South Carolina, Louisiana, Montana, South Dakota, Arizona, Wyoming, and others with very high impaired driving-related fatality rates, to devote significant portions to reducing impaired driving.

U.S. DOT will take it very seriously when a State submits a comprehensive highway safety plan, whether or not the data truly represent how they intend to spend their money. The flexibility that we give States also enables them to spend a good portion of their hazard elimination money on behavioral programs if their State data indicates that it is needed.

We are putting a tremendous amount of eggs in the basket of each State's traffic records and data improvement, which is why we also have \$50 million in our proposed fiscal year 2004 budget to help States shore up their State traffic data, so that we can pinpoint where the problems are occurring.

STATE DATA ACCOUNTABILITY

Senator DEWINE. Let me play off that for a moment. My home State of Ohio has begun to do a pretty good job in listing the most hazardous intersections and stretches of highway. We do it statistically. We do it in ranking order. Some States are doing that. Few States, based on my experience at least, in what I have seen, are doing both a ranking and then putting their money where their ranking is.

In past highway bills, we have paid lip service to that. We have said oh, that is a good thing. You should do that. We have not put much teeth behind that. And we have not insured, in the highway bills, that significant money would go to that.

I would like your comments on that because I am very interested, frankly, as we write a new highway bill, that we do that. It

seems to me that when we are talking about putting highway dollars—I am beyond frankly what we are talking about here today, but this is your area of highway safety—that what we should be doing is figuring out where we can save the most lives for the most dollars and at least taking part of the general highway construction dollars and saying okay, we are going to find the 50 or the 100 most dangerous places in Indiana or Ohio or Maine, and let us go deal with them every year. And let us figure out where we can get the most bang for the buck or save most lives for the buck. But we have not really been doing that consistently across the country.

Now what you are talking about doing it frankly is on a fairly—with all due respect I think it is the right thing to do—but it is on a fairly small dollar amount when we are talking about the dollars we are dealing with here.

I am talking about doing it on big highway bill and doing it with some serious dollars, I mean big dollars.

Do you want to comment on that? It seems to me that the good news I am hearing from what you are saying is that the studies you are talking about doing, and the \$50 million you are talking about doing, certainly is a start at least in trying to compile the data that the States will need to be able to come up with that information.

Dr. RUNGE. Thank you. I think you are exactly right.

In the past, there has been lip service played to accountability. The A in SAFETEA is accountability.

A lot depends on a State's comprehensive highway safety plan, and a lot depends on their ability to gather traffic data and to acquire it in a way that is scientifically legitimate.

With respect to where those problems are, it may not just be where, it is also the who, what, when, and where of the issue, the whole epidemiology of the problem. Some States do a great job of defining that. Low velocity highways with high crash fatalities may not need road design. They may need just higher seatbelt use and less impaired driving.

We will strive to make sure that those data are acquired and that States are held accountable for that highway safety plan.

Also, in the reauthorization bill there is a billion dollar highway safety core program in Federal highways. A State's share of that can be spent—100 percent of it can be spent on data improvements if the State needs it. It can be spent on hazard elimination. It can be spent on behavioral programs. It can be spent on alcohol programs and belt programs.

We are trying to give States the flexibility to spend their money where it needs to go. You are exactly right. A lot depends on how we define that safety plan and how the U.S. DOT is able to insist that the money be spent in a way that, in fact, does address the highway safety problem.

I hope we have the committee's support for that accountability.

FLEXIBILITY AND ACCOUNTABILITY

Senator DEWINE. The key, it seems to me, we are all for flexibility, but it is clear from your comments earlier you are for flexibility but you are also for accountability.

Dr. RUNGE. Yes sir.

Senator DEWINE. You talked about key chains and other things that you do not seem to think amount to a whole lot, and I would happen to agree with you.

I go back to my experience as Lieutenant Governor of Ohio, and one of the areas where I was in charge was highway safety. We looked at things that mattered and some things that frankly did not matter.

So how we strike the right balance of allowing States to pick and choose what is appropriate for their State but also give them the guidance to move forward and to try to target things that do, in fact, matter is the key I think.

Ms. Hamilton?

Ms. HAMILTON. Senator, flexibility is important to the States. We understand that they are struggling with this and they are very concerned about MADD's proposal. However, we saw in the past that that money is going for hazard elimination programs.

What you talked about before, what is going to save the most lives most quickly is, quite frankly, the bill that you introduced today with Senator Lautenberg for enforcement on belt and alcohol prevention programs to give law enforcement the resources that they need for the next 6 years and the paid advertising to let people know that impaired driving and seatbelt usage is important.

We can build better roads. We can design safer cars. But unless we develop safer drivers, we are not going to make any kind of a dent in this problem. And we have got to take the time right now to put the resources into behavioral safety programs that we know are effective. We have 30 years of research and data from NHTSA, from all over this country and the world, in fact, that tells us what works, enforcement.

Senator DEWINE. Mr. Chairman, if I could just make one additional comment. I know I have gone over my time. But just to make sure everyone understands at least this one Senator's position.

I believe that the money we are talking about today, frankly, should primarily be going for education issues and behavioral modification issues and the things that Ms. Hamilton is talking about.

The highway construction and the hazardous changes in construction that I was talking about, I think, should come out of the big bill that we are talking about, and the bill that frankly we will be, I hope, writing later this year. I think a bigger percentage of that bill should be absolutely dedicated to focusing on trying to eliminate the hazards on the highway.

I think we do not put enough of that into targeting what matters on our highways. And I think what the doctor is talking about is it makes sense to spend some money to get the data and allow every State to have some assistance to get the data to make those intelligent decisions, but then take money out of our big bill and focus that money on the things that really do, in fact, matter.

Let us go into every State. Every State has got them. Every State has got the dangerous intersections. Why in the world do we keep waiting until we get the fifth or sixth fatality when we know, and everyone in the community knows, this is a bad intersection. Everyone in the community knows this is a bad curve. Highway pa-

trol can tell you. You go into the Xenia, Ohio highway patrol post, they can tell you the bad intersections. They can tell you where there is going to be a bad accident. They can tell you it is going to come. Now when it is going to come, but it is going to come.

Why do we wait? It is just absolutely crazy.

Mr. HURLEY. Senator, first, I want to thank you for your leadership on highway safety, your support for MADD, and specifically your support for high visibility enforcement.

On the accountability issues, which is critical, and it is a very complicated bill. We are still studying it. But it does appear to be an overall flat funding of highway safety with very serious concerns about reduced funding in key areas that we have talked about.

We support the idea of performance partnerships with the States of accountability and the rest of that. However, NHTSA, without a change in the statute, gave up plan approval 4 or 5 years ago. The General Accounting Office report that Senator Dorgan just asked for and received had some very serious comments about that. I would hope that this could be a part of the record, as well.

The best States probably do not need plan approval. The worst States probably need more than plan approval. There has to be a whole consideration of performance partnerships with the States that really has not occurred yet. I am hopeful that we can get into that with the leadership at DOT because the current system does not seem to be working all that well. Thank you.

Senator DEWINE. Mr. Chairman, thank you very much.

Senator CAMPBELL. Thank you.

ADDITIONAL COMMITTEE QUESTIONS

We have no further questions from the members that are here. However, Senator Shelby does have some. Rather than asking them for him and getting them all confused, I will submit those to you in writing. If you could answer them in writing.

And I think Senator Murray may also have some questions.

[The following questions were not asked at the hearing, but were submitted to the Department and witnesses for response subsequent to the hearing:]

QUESTIONS SUBMITTED TO THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

Question. The positive effects of the "Click It or Ticket" mobilizations to increase seatbelt usage rates are undeniable. According to NHTSA's evaluation, seatbelt usage increased by 8.6 percent. In the Omnibus Appropriations Act this Committee again set aside funds for these mobilizations and directed NHTSA to expand this approach to target alcohol-related driving, which we are all concerned about. With the demonstrated success of the program, why isn't funding specifically identified in your budget proposal to continue these campaigns in 2004?

Answer. NHTSA intends to continue the "Click It or Ticket" and "You Drink & Drive. You Lose." mobilizations in 2004 and beyond. For the last 5 years, funding has been provided through the Sec. 157 Incentive/Innovative Grant Program, authorized under TEA-21. NHTSA utilized most of the Innovative grant funds awarded to the States to support the semi-annual mobilizations.

The momentum and commitment for the mobilizations reached an all time high this year with 43 States, DC, and Puerto Rico adopting the "Click It or Ticket" model in May 2003. Early in 2003, the Agency solicited input from the Governors Highway Safety Association and the highway safety offices of the 50 States, the District of Columbia, and Puerto Rico regarding their future plans to conduct the mobi-

lizations. The responses indicated a solid commitment to continue the mobilizations through Section 402 apportionments or other funding mechanisms. Thus, NHTSA did not specifically earmark grant funds to the States for this purpose. The President's fiscal year 2004 budget request rolls \$112 million of what was Section 157 funding in fiscal year 2004 into a consolidated Highway Safety Grant program. This proposal is also reflected in SAFETEA, the administration's reauthorization proposal. This proposal eases the grant administration burden of the States while providing the same level of resources as previously to fund these programs.

The Department's SAFETEA reauthorization proposal also includes special performance-based incentive grant programs under Section 402 as incentive for State progress in both reducing impaired driving and increasing safety belt use.

Question. The Department's goal for highway-related fatalities in 2004 is 1.38 per 100 million vehicle miles traveled. The budget indicates that the two major reasons for the lack of significant progress in reducing overall highway-related fatalities can be directly attributed to motorcycles and pedestrians. The budget, however, appears to assume a steady rate among these groups and a necessity to focus on passenger cars and light trucks. What specific actions will the Department undertake to address and to reduce the number of fatalities among motorcycles and pedestrians in particular?

Answer. NHTSA's fiscal year 2004 budget addresses the action items in the NHTSA "Motorcycle Safety Program" document released in January 2003 and the "National Agenda for Motorcycle Safety" developed in collaboration with motorcycle safety partners.

A new fiscal year 2004 initiative will address a concern that motorcycle-training programs accommodate all those who seek training. NHTSA plans to work with identified State rider education and training programs to develop and implement long-range strategic plans to make training available for all those who need it and in a timely fashion. NHTSA will continue research on motorcycle lighting as a means to improve motorcyclist conspicuity and will continue research on motorcycle braking systems.

Additionally, NHTSA will: conduct research on crash avoidance skills; conduct research on motorcyclists conspicuity; support projects to reduce impaired riding by developing and testing activities that may include peer-to-peer efforts, social norm models, enforcement efforts, and motorcycle impoundment; and collect and analyze motorcycle crash, injury, and fatality data and compare motorcyclists who successfully completed formal rider training to those who have not to determine any difference in crash involvement.

Pedestrian crashes are addressed through a combination of public information, legislation, enforcement, engineering, and outreach strategies. NHTSA will: fund competitive demonstration projects designed to involve the law enforcement community to improve pedestrian safety; develop a community guide to tackle the challenges of implementing comprehensive pedestrian safety programs; explore the feasibility of developing and disseminating a school crossing guard curriculum; and develop community-level Safe Routes to School workshops to increase pedestrian safety around schools.

NHTSA will also disseminate tools to encourage communities to promote safe walking. Non-traditional partners, such as smart growth coalitions or local government commissions, will be identified and encouraged to incorporate pedestrian safety into their organizations' missions. NHTSA will continue its partnership with the Federal Highway Administration to incorporate infrastructure improvements with behavioral safety principles.

Question. The NHTSA budget proposes a new initiative to award discretionary grants to States to demonstrate the effectiveness of a comprehensive approach to reducing impaired driving. Could you explain how this program is different from the old program in terms of scope, distribution of dollars and more importantly, how it is an improvement over the old program?

Answer. The SAFETEA proposal would make \$50 million available each year for discretionary grants to a certain number of States with high rates of alcohol-related fatalities and/or high total numbers of alcohol-related fatalities. These discretionary grants would fund programmatic activities specified by NHTSA and agreed to by the recipient States. These activities would be of proven effectiveness, e.g., well-publicized and high-intensity enforcement of impaired driving violations. Thus, under the proposal, NHTSA would annually direct \$50 million to States with the greatest need for improvement in the impaired driving arena, and would see to it that those States spend the money in ways most likely to succeed in moving the impaired driving numbers down.

Under TEA-21, the only State grant funds, which had to be spent on impaired driving programs, were the Section 410 alcohol incentive grant funds, which totaled

\$40 million in fiscal year 2003. The States that received these funds already had good legislative and programmatic infrastructure for combating impaired driving, because these laws and programs were needed to qualify for funding. Additional funds were awarded to States that enacted .08 BAC laws. However, these funds could be spent on any highway construction or highway safety program, not just impaired driving.

Additionally, of the \$337 million that SAFETEA would provide in Section 402 basic formula and performance grants in fiscal year 2004, all but \$25 million resulting from safety belt use rate performance would be available for impaired driving programs if States choose to allocate for that purpose. SAFETEA thus gives States great latitude in directing resources to address priority problems, including impaired driving.

HIGHWAY SAFETY INITIATIVES

Question. Dr. Runge, your opening statement says that NHTSA has “pledged to solve the highway safety issues confronting this Nation.” However, other than consolidating some grant programs and a new accounting of other grant programs, I see no new, innovative programs included in this budget or in reauthorization proposal that would convince me that NHTSA is on the way to solving the highway safety issues confronting this Nation.

What specifically in this budget is going to make significant strides in improving safety?

Answer. The Department’s reauthorization proposal offers more than consolidation of grants. The two performance based grant programs, the General Performance Grant Program and the Safety Belt Performance Grant Program would encourage States to take actions on strengthening their highway safety programs and implementing laws to increase safety belts and to deter impaired driving. The proposal will also help States with high alcohol-related fatalities receive much needed support to improve their alcohol programs. The proposal calls for NHTSA to develop and facilitate a coordinated and comprehensive EMS infrastructure by designating NHTSA as the lead agency for EMS.

Another component of the reauthorization proposal is to conduct a national motor vehicle crash causation survey. The survey will collect much needed, real-world crash causation data to identify and understand motor vehicle crash factors that are integral to developing crash-preventing countermeasures. The proposal will also authorize NHTSA to institute an International Cooperative Safety Program to exchange research and educational programs that are beneficial to NHTSA in carrying out its mandate to reduce motor vehicle injuries and fatalities. Further, the proposal provides incentive grants to the States to improve their traffic record data, which will benefit the local, State, and Federal transportation-related agencies in identifying their transportation safety problems and evaluating their programs and countermeasures.

HIGHWAY SAFETY GRANT FUNDING LEVELS

Question. I am concerned that much of this “increase” in funding for highway safety is merely the shifting of funds from Highways to NHTSA. I have expressed this to the Secretary and still believe that we need more information to conduct a proper analysis.

Dr. Runge, how much of NHTSA’s increase is actually new money?

Answer. NHTSA’s proposed total funding for grants to States in fiscal year 2004 is \$447 million. That is identical to the amount of funds provided to the States under TEA-21 in fiscal year 2003.

SAFETY BELTS

Question. With respect to seat belt usage, Dr. Runge, you have said, “we have a model that works. For every 1 percent increase in belt use, we get \$800 million in economic costs saved, 2.8 million more people buckling up, 276 lives saved, and reduce the severity of 6,400 moderate to critical injuries.”

Dr. Runge, given the clear benefits of increasing seat belt usage rates, why does the fiscal year 2004 budget exclude specific funding for “Click It or Ticket” Campaigns in the States when I am not aware of any program that has been more effective at getting people to buckle up?

Answer. “Click It or Ticket” has indeed proven effective in increasing safety belt use. NHTSA intends to continue the “Click It or Ticket” mobilizations in 2004, and beyond. Early in calendar year 2003, the Agency solicited input from the Governors Highway Safety Association and the highway safety offices of the fifty States, the District of Columbia, and Puerto Rico. Given the commitment to continuing the mo-

bilizations that was expressed, NHTSA does not believe that it is necessary to earmark grant funds to the States for this purpose. Also, the Agency's intent is to focus a significant portion of research and development (Section 403) funds to support the two mobilizations through program development, technical assistance, and evaluation initiatives.

Question. Is there an initiative in the budget that will work as well or better than the mobilizations?

Answer. Given the proven success of conducting high visibility enforcement campaigns and the expressed commitment from State Highway Safety Offices to continue the national mobilization strategy, NHTSA plans ongoing support for the "Click It or Ticket" mobilizations. However, the Agency also plans to work with States on the development of a variation on the model that involves continuous high-visibility enforcement operations (24 hours a day, 7 days per week).

Through additional incentive funds proposed in the Department's SAFETEA reauthorization submission, NHTSA will continue support for "Click It or Ticket" mobilizations during fiscal year 2004. At the same time, States that have experienced the full benefit of the "Click It or Ticket" approach will be encouraged to move toward a continuous high-visibility enforcement model. Several States with the highest use rates, including California and Washington, have had success with this approach.

In 2004, States will be conducting one safety belt mobilization in May, an impaired driving crackdown in December, and the States will conduct high visibility enforcement mobilizations throughout the summer months.

IMPAIRED DRIVING

Question. The preliminary National Highway Traffic Safety Administration (NHTSA) data estimates 17,970 deaths last year due to crashes involving alcohol—that's about 500 more than in 2001 and represents 42 percent of all traffic fatalities. This number is too high and we must take action.

Dr. Runge, can you tell me what NHTSA is doing this year to focus on the problem of impaired driving and further what specifically the budget propose to reduce the number of impaired drivers and related accidents in the future?

Answer. NHTSA's 2004 goal is to reduce alcohol-related fatalities to no more than 0.53 alcohol-related fatalities per 100 million vehicle miles traveled (VMT). To achieve the goal, NHTSA will work with States to develop a plan for maximizing general deterrence through high visibility law enforcement, while also maintaining attention to effective specific deterrence programs for dealing with offenders.

NHTSA demonstration programs in both the safety belt and impaired driving areas have proven that highly visible enforcement, coupled with paid and earned media, is an extremely effective general deterrent strategy. Nearly all States have agreed to pursue both sustained (year-long) high-visibility impaired driving enforcement, as well as periodic enforcement crackdowns during July and December 2003. Sustained enforcement will continue in 2004, with States conducting high visibility enforcement operations according to their own schedules throughout the summer months and a coordinated national crackdown in December.

Media directed at high-risk groups is critical to the success of these enforcement efforts. States and the District of Columbia have agreed to utilize the national "You Drink & Drive. You Lose." theme, which reminds motorists that if they drive while impaired, they will be arrested. In 2003, Congress provided the agency with \$12 million to support paid advertising to supplement State efforts during these periods and to evaluate the efforts.

The Agency believes that this unprecedented level of coordinated national law enforcement and associated media coverage will be effective in creating deterrence to drinking and driving and will change behavior. The Agency is currently conducting an evaluation of the effect of paid media and sustained enforcement on impaired driving.

To ensure longer-term progress, the Agency will also encourage sustained, highly visible enforcement and continue to advance the areas of prevention, intervention, and treatment. Long-term success will be dependent on people making informed choices about drinking and driving and getting treatment to resolve substance abuse problems.

Question. The NHTSA budget proposes a new initiative to award discretionary grants to States to demonstrate the effectiveness of a comprehensive approach to reducing impaired driving.

Dr. Runge, could you explain how this program is different from the old program in terms of scope, distribution of dollars and more importantly, how it is an improvement over the old program?

Answer. The SAFETEA proposal would make \$50 million available each year for discretionary grants to certain States with high rates of alcohol-related fatalities and/or high total numbers of alcohol-related fatalities. These discretionary grants would fund programmatic activities specified by NHTSA and agreed to by the recipient States. These activities would be of proven effectiveness, e.g., well-publicized and high-intensity enforcement of impaired driving violations. Thus, under the proposal, NHTSA would annually direct \$50 million to States with the greatest need for improvement in the impaired driving arena, and would ensure that those States spend the money in ways most likely to succeed in moving the impaired driving numbers down.

Under TEA-21, the only State grant funds, which had to be spent on impaired driving programs were the Section 410 alcohol incentive grant funds, which totaled \$40 million in fiscal year 2003. The States that received these funds already had good legislative and programmatic infrastructure for combating impaired driving, because these laws and programs were needed to qualify for funding. Additional funds were awarded to States that enacted .08 BAC laws. However, these funds could be spent on any highway construction or highway safety program, not just impaired driving.

Additionally, of the \$337 million that SAFETEA would provide in Section 402 basic formula and performance grants in fiscal year 2004, all but \$25 million resulting from safety belt use rate performance would be available for impaired driving programs if States choose to allocate for that purpose. SAFETEA thus gives States great latitude in directing resources to address priority problems, including impaired driving.

CHILD SAFETY SEATS

Question. For the past several years, the Committee has provided funding for child safety seat campaigns. These campaigns have been very successful at increasing the proper use of child safety seats while we developed the second generation of child safety seats, which are now accompanied by LATCH systems in all new passenger vehicles to allow for easier installation and safer car seats.

One of the reasons this campaign has been so successful is due to the broad base of support coming from State and local public safety community, community activists, and private industry. Without this coalition of support it is difficult to imagine that the campaign would have had the effect of continued decreases in child fatalities.

Question. Dr. Runge, is this a model that can be used in other areas that need improvement?

Answer. The success of the child passenger safety campaign has clear and compelling implications for its utility as a model in other program areas. NHTSA recognizes the transferable nature of this model to other highway safety programs and has already taken numerous steps to incorporate similar strategies in ongoing and future efforts.

In the early years of the campaign, the model focused solely on child occupant restraints. NHTSA and partners, such as the Air Bag & Seat Belt Safety Campaign (ABSBSC), were able to build on the momentum created in child passenger safety in particular the hazard posed to front seated children by airbags and transfer the effort to occupant protection issues for all ages. Over the years, what began as "Operation ABC (America Buckles Up Children)" evolved into an endeavor that included teen and adult restraint use as well. This model was also used as the basis for what is known now as the "Click It or Ticket/Operation ABC" campaign, which is also demonstrating considerable gains in safety belt use.

The model is being refined even further in the area of Impaired Driving. NHTSA and partners, such as Mothers Against Drunk Driving (MADD), embarked on the NHTSA-led "You Drink, You Drive. You Lose." campaign in fiscal year 2003. Here again, the State and local public safety community, community activists, law enforcement, key advocacy groups, and private industry are coming together to address a public health concern and implement strategies to overcome this problem.

OCCUPANT PROTECTION

Question. The Committee has supported NHTSA's efforts to increase seat belt usage among target populations whose usage rates are well below the national average. We know that safety belt usage among teens and young adults is lower than the national average.

Dr. Runge, what is NHTSA doing to identify and reach out to these and other target populations?

Answer. NHTSA is conducting a variety of focused outreach and demonstration programs to increase safety belt use among high-risk groups. One important strategy for NHTSA is continuing the long-standing partnerships with minority organizations to increase safety belt use within these communities. Examples of these partnerships include: The National Council of Negro Women; The National Latino Children's Institute; The Hispanic American Police Command Officers Association; The Bureau of Indian Affairs; and The National Asian Pacific American Families Against Substance Abuse.

Successful outreach to the African American community was exemplified in a recent meeting of African American leaders cosponsored by Secretary Mineta and Dr. Dorothy Height, Chair of the National Council of Negro Women, for the purpose of reviewing the success of the Blue Ribbon Panel to Increase Seat Belt Use Among African Americans and laying out plans for next steps. The 2002 National Occupant Protection Usage Survey (NOPUS) showed an 8 percentage point increase in African American safety belt use since the Panel's findings were released in 2000.

In the Hispanic community, families are being educated about the importance of safety belt use through child passenger safety venues. Culturally sensitive educational materials and curricula have been developed, and an infrastructure of certified child passenger safety technicians and fitting stations will soon be implemented in Hispanic neighborhoods.

In 2001, NHTSA awarded teen safe driving demonstration grants in Pennsylvania, Maryland, Minnesota, and Washington. This program focuses on common high-risk behaviors for youth 15–20 years of age, including lack of safety belt use, impaired driving, and speed. NHTSA also tailored the May 2003 "Click It or Ticket/Operation ABC" mobilization to teens, reaching out to high schools around the Nation to encourage students to buckle up. NHTSA is also: conducting research into the effectiveness of Graduated Driver's Licensing in reducing teen injuries and fatalities in motor vehicle crashes; researching innovative and model programs to increase teen safety belt use; and conducting focus groups to develop effective messaging and strategies to reach teens.

Question. How are the programs being received in these communities?

Answer. Preliminary results from the four Teen Safe Driving Demonstration Programs administered by NHTSA suggest that the strategies implemented are well received and hold promise to increase the awareness of young people about high risk driving behaviors and increase safety belt use.

For example, in the Spokane, Washington, Teen Safe Driving initiative, law enforcement officers visit high schools and conduct "Room to Live" presentations on risky driving behavior for teens—speeding, lack of safety belt use, and impaired driving. Results from the 500 students that evaluated this portion of the program include: 97 percent of students thought the program was effective; 98 percent of the students thought other students would benefit from the program; 91 percent of the students felt that safety belts were more important to them after the presentation; and there was a 29 percent increase in the number of students who said they would wear their safety belt all the time.

Preparing communities for interventions to increase safety belt use through education and direct involvement in the planning and implementation of programs is key to building consensus and positive reception by the community. In the teen demonstration grants awarded by NHTSA in 2001, letters were sent to families, schools were notified, press events were held, and young people were (and are) directly involved in the development and implementation of the program. This has resulted in support for the program goals, strong partnerships, and successful collaboration. In fact, the cities involved in the Minnesota Teen Safe Driving Initiative jointly won the League of Minnesota Cities Achievement Award in Public Safety for their initiative.

Successful strategies identified in these demonstration grants, as well as findings from current research by NHTSA to identify effective and promising strategies to reach teens, will be documented and promoted as effective strategies for use by other States.

Question. If 75 percent of rollovers are unbelted, is it possible to focus on occupants who are at greater risk of being in a rollover accident as a target population?

Answer. NHTSA believes that it is possible to focus safety belt program efforts on drivers of vehicles that are more likely than others to be involved in rollover crashes. In fiscal year 2001 and 2002, the Agency awarded two demonstration projects to test strategies for increasing belt use in sport utility vehicles (SUV) and pickup trucks. Early results from these demonstrations appear encouraging. Occupants of these vehicles are over-represented in rollover crashes. Preliminary results from the Virginia and Colorado demonstration sites highlight the benefit of these projects. Virginia's "Buckle Up Now" demonstration project, which focused on the

southern counties of the State, saw safety belt usage increase from 61 to 77 percent following introduction of the campaign.

The pickup truck demonstration projects in Florida and South Dakota made significant strides in increasing safety belt usage among pickup truck occupants. Florida reported a 16-percentage point increase—from 33 to 49 percent. Best practices guides based on findings from these projects will be published in fiscal year 2004.

SHARE THE ROAD

Question. How do NHTSA and FMCSA coordinate with regard to the “Share the Road” education program, and how do you believe that program can be made more effective?

Answer. As directed by TEA–21, NHTSA provided FMCSA with funding to support the “Share the Road” program. This program is executed by FMCSA. With the transfer of funds, FMCSA provides NHTSA with an overview of program activities. FMCSA also coordinates program activities through the Share the Road Coalition and intermittent notification of issues as they arise during the fiscal year.

Recently, GAO completed a report on the effectiveness of the “Share the Road” program and how to improve the program delivery. GAO provided recommendations on improving the effectiveness of the “Share the Road” program. The DOT agrees with the GAO’s recommendations.

QUESTIONS SUBMITTED BY SENATOR PATTY MURRAY

Question. Dr. Runge, when the Federal Government has tried to get the States to enact meaningful safety laws, it has taken two approaches. In some instances, like the Minimum Drinking Age Act and the 0.08 law, we have withheld highway construction funds from States that don’t pass the law. In other instances, we have provided incentive payments to get the States to make safety improvements. The record is clear, when we sanction highway construction funds, all the States eventually comply. When we provide incentive payments, the record is quite mixed. NHTSA’s own data show that seat belt use increases as much as 15 percent in States that have primary seat belt laws on the books. Currently, 18 States and the District of Columbia have primary seat belt laws in effect, including my own State of Washington. Yet, your 2004 budget request includes \$100 million for a new primary belt incentive grant program. This program is designed to encourage the remaining 32 States to pass a primary seat belt law.

Why did NHTSA choose to create an incentive grant program rather than a penalty program to get States to enact primary seat belt laws? Given the lives that can be saved as a result of these laws, doesn’t this safety requirement call out for universal compliance?

Answer. NHTSA believes incentives have a greater opportunity to be effective because the fiscal landscape has changed. Many States are facing huge fiscal challenges. NHTSA dialog with State legislative and executive offices during last year has indicated their desire to keep incentive programs in the reauthorization. The Agency believes that the proposed incentive for enacting a primary safety law—five times the State’s fiscal year 2003 allocation for Section 402—is significant enough to create impetus for law changes in States that are searching for financial help in almost every program.

Question. What specific examples can you provide us to demonstrate that States are more likely to pass safety legislation when the Federal Government provides incentive funding?

Answer. The Section 410 Alcohol-Impaired Driving Countermeasures Grant program was amended by the Intermodal Surface Transportation Equity Act (ISTEA) to provide financial incentives to States for the development of improved laws and programs to deal with impaired driving. Many States actively pursued enacting new or improved laws to reduce drinking and driving, such as administrative license revocation (ALR), .02 BAC laws for under age 21 drivers, and .08 BAC laws. During the ISTEA authorization (1991–1997):

- Eight States enacted .08 BAC laws.

- Thirty-four States plus enacted .02 BAC laws for drivers under age 21 (25 enacted before the passage of the NHS sanction provision in 11/95).

- Ten States enacted ALR laws.

ISTEA also established an innovative occupant protection law incentive grant phase of Section 153, which authorized 3 years of incentive grants, beginning fiscal year 1992, for States with both a safety belt and a motorcycle helmet use law.

- Ten States took legislative action to enact a conforming safety belt or motorcycle helmet law during the incentive phase (fiscal year 1992-fiscal year 1994).

- Seven States adopted new safety belt laws: Nebraska, North Dakota, West Virginia, Vermont, Massachusetts, South Dakota, and Kentucky.
- Two States, Ohio and Connecticut, amended their existing safety belt use laws to remove unacceptable air bag exemptions.
- For the seven States which enacted new safety belt laws and the one State which enacted a motorcycle helmet law during the Section 153 incentive phase, increased belt and helmet use rates following the enactment of these laws resulted in a combined savings of about 140 lives, 2,400 moderate to serious injuries, and nearly \$220 million.
- Twenty-five of 27 eligible jurisdictions chose to participate in the grant program. Thirty-six million dollars in grants leveraged \$52 million dollars in matching funds to increase safety programs and compliance with occupant protection and motorcycle helmet laws.

NHTSA believes significant incentives will work again because the fiscal landscape has changed dramatically in the past 2 years. Many States are facing huge fiscal challenges. The dialog between NHTSA and State legislative and executive offices in the past year has been increasingly about incentives remaining in the current authorization. A fivefold Section 402 amount incentive for passing a primary safety law is significant enough, NHTSA believes, to create law changes in States that are searching for economies in every program.

MOTORCYCLE FATALITY INCREASES

Question. Dr. Runge, motorcycle deaths have gone up every year since 1997 and the deaths of older cyclists have been rising for an even longer period of time. The early estimates for 2002 indicate that the overall number of motorcycle fatalities increased by 3 percent over 2001. And while the number of fatalities for younger riders decreased, for riders over the age of 50, there was an astounding 24 percent jump in the number of motorcyclists killed.

To what do you attribute the increase in the number of motorcycle fatalities and why has there been a spike in the number of older rider fatalities?

Answer. Three major changes have occurred to impact the motorcycle crash problem: the number of registered motorcycles has increased, the average age of riders has increased, and motorcycle helmet usage has decreased.

Motorcycle sales have increased for 10 consecutive years, resulting in more motorcycles on the highways, thereby increasing exposure. Many of these motorcycles have larger engine displacement.

The average age of a motorcycle operator in 1998 was 38.1 years compared to 33.1 years in 1990, 28.5 years in 1985, and 26.9 years in 1980. Motorcycle ownership by age illustrates that more individuals over the age of 50 are purchasing motorcycles. Ownership for those age 50 years and over in 1998 was 19.1 percent compared to 10.1 percent in 1990, 8.1 percent in 1985, and 5.7 percent in 1980 (Motorcycle Industry Council data).

According to the National Occupant Protection Use Survey, motorcycle helmet use has decreased from 71 percent in 2000 to 58 percent in 2002. Reduced helmet use, impaired riding, especially riders with high blood alcohol concentrations, and speeding are risk factors that have affected the number of motorcyclists killed in traffic crashes.

Question. In last year's bill, we provided additional funding for training and crash avoidance skills. How have you put these funds to use?

Answer. In fiscal year 2003, the Committee increased the motorcycle program budget by \$300,000 with the instruction that these additional funds be used to improve crash avoidance skills and motorcyclist conspicuity.

To improve crash avoidance skills, NHTSA is entering into a cooperative agreement with the Motorcycle Safety Foundation to ensure that the appropriate crash avoidance skills are incorporated into revised curricula and are updated as needed. Motorcyclist training will reflect these changes as appropriate.

To improve motorcyclist conspicuity, NHTSA is planning research to determine if daytime running lamps on passenger cars affect the motorcycle visibility in the traffic mix. Additionally, NHTSA will conduct research to determine if modulating headlamps on motorcycles increases the visibility and recognition of a motorcycle in the traffic mix.

NHTSA'S PAID ADVERTISING PROGRAM

Question. Dr. Runge, over the last few years, this subcommittee provided funding for paid media to support the highly successful "Click It or Ticket" program. In fact, the national ads for this program have been running this month during the seat

belt mobilization campaign. This year, we expanded the program to include national media for the drunk driving mobilizations that will occur in July and December.

Dr. Runge and Mr. Hurley, what kind of feedback have you been getting about the "Click It or Ticket" ads?

Answer. It is clear the ad campaign was successful. Anecdotal feedback relating to the frequency of the ads and recall of the campaign message by the public was extremely positive. Further, preliminary research indicates that the campaign moved all key indicators among the core audience of adult drivers and, more importantly, those most at risk, males age 18–34.

Among all drivers surveyed, recall of the special effort by police to ticket drivers for safety belt violations increased from 47 percent in the pre-media survey to 75 percent on May 29, when post-campaign surveys were conducted. Among males age 18–34, recall of the enforcement campaign increased from 49 percent prior to the campaign to 78 percent after the campaign. This level of recall is significantly higher than after the 2002 campaign. A majority (50 percent) of drivers said police in their community were doing more to enforce their State's safety belt laws over the past 4 to 6 weeks. This is up from 32 percent prior to the campaign. Forty-six percent of men age 18–34 said police in their community were doing more to enforce their State's safety belt laws over the past 4 to 6 weeks. This is up from 33 percent among this audience prior to the enforcement effort.

Among all drivers, the percentage of those saying they would be likely to receive a ticket if they did not wear their safety belt increased from 56 percent prior to the campaign to 62 percent after the campaign. This is the highest percentage of drivers who perceived themselves as likely to receive a ticket we have reached in the history of this campaign.

Twenty-nine percent of drivers correctly identified, without being prompted, "Click it or Ticket" as the name of the special effort by police to ticket drivers for safety belt violations. Forty-two percent of men age 18–34 correctly identified, without being prompted, "Click it or Ticket" as the name of the special enforcement effort.

Question. Dr. Runge, given the demonstrated effectiveness of this program, why didn't your 2004 budget proposal include funding for paid media to continue these campaigns?

Answer. NHTSA intends to continue the "Click It or Ticket" and "You Drink & Drive. You Lose." mobilizations in 2004, and beyond. Early in calendar year 2003, the Agency solicited input from the Governors Highway Safety Association and the highway safety offices of the 50 States, the District of Columbia and Puerto Rico to gauge their support continuing the paid media initiative. Given the solid commitment to continuing the mobilizations that was expressed, NHTSA does not believe that it is necessary to earmark grant funds to the States for this purpose. States can use their existing grant funds to support these efforts.

Question. This will be the first year that national media will be used for the drunk driving mobilization efforts in July and December.

Dr. Runge, can you assure us that NHTSA is putting the same level of effort into the media campaign for the drunk driving mobilizations as you did with the seat belt mobilizations? Can we expect the Department to have a national kick-off for the drunk driving media campaign similar to what was held at the National Press Club a few weeks ago for the seat belt mobilizations?

Answer. In fiscal year 2003 Congress provided an additional \$11 million appropriation to NHTSA to support paid advertising for the "You Drink & Drive. You Lose." crackdown. With this additional funding, the Agency produced an advertisement, focusing on high visibility enforcement, which will be aired nationally June 20 through July 13. In addition, the Agency has purchased advertising time in 13 States that have either high alcohol-related fatality numbers or rates to saturate their media markets during the same time. The Department conducted a national press event on June 19 to raise awareness of the motoring public that the "You Drink & Drive. You Lose." national crackdown will take place over three weekends surrounding the July 4th holiday. At that event, NHTSA unveiled the national advertisement reinforcing the message that law enforcement will be out in force looking for impaired drivers. In addition to Departmental representatives, potential speakers for the event include members of the law enforcement community, Mothers Against Drunk Driving, and an offender in the high-risk age group (e.g., ages 21–34) who has served jail time for impaired driving. To drive this message home, the location for the press event will likely be a booking facility at a local police department.

INCREASE OF ALCOHOL-RELATED FATALITIES

Question. Alcohol-related fatalities increased for the third year in a row to nearly 18,000 deaths in 2002—and this is just the early estimate. Last year, Senator Shelby and I fought to increase the funding for the NHTSA's impaired driving program in NHTSA's Operations and Research account. We were successful in providing a 36 percent increase over the President's 2003 request. I was disappointed that your 2004 budget request cut the funding for NHTSA's impaired driving program by 25 percent.

Dr. Runge, I'll ask the same question that I asked you last year, why did you decide to cut the funding for your impaired driving program at a time when alcohol-related fatalities are increasing?

Answer. The funding request for fiscal year 2004 has not decreased and remains essentially level compared with the Agency's fiscal year 2003 request. NHTSA's fiscal year 2004 impaired driving program will continue to focus on highly sustained and periodic law enforcement campaigns, together with implementing improvements to the prosecution, adjudication, and records systems. For fiscal year 2004, the Agency has proposed a State grant program that will focus resources on a number of high risk States with high alcohol-related crashes. Targeted use of resources to sustain high visibility enforcement and encouragement of States to adopt proven remedies should revive the downward trend in alcohol-related fatalities that the Nation experienced over the last decade.

Question. NHTSA also administers grant programs to the States for various alcohol-impaired driving countermeasures through the Section 402 State and Community Formula Grant program. A few weeks ago, Secretary Mineta testified before this subcommittee and stated that the 2004 request includes \$148 million for impaired driving programs and that the funds will be used to increase the number of highly visible sobriety checkpoints and other State highway patrol programs. In reviewing your 2004 budget, it appears that only \$50 million is specifically targeted for State grants on impaired driving initiatives.

Would you outline for us how much funding is specifically directed toward impaired driving programs? For example, how much money will be spent on high visibility enforcement efforts?

Answer. The SAFETEA proposal would direct \$50 million each year to initiatives to curb impaired driving through discretionary grants to a limited number of States with high rates of alcohol-related fatalities or high total numbers of alcohol-related fatalities. The discretionary grants would fund programmatic activities specified by NHTSA and agreed to by the recipient States. These activities would be of proven effectiveness, e.g., well-publicized and high-intensity enforcement of impaired driving violations. Additionally, of the \$337 million that SAFETEA would provide in Section 402 basic formula and performance grants in fiscal year 2004, all but the \$25 million resulting from safety belt use rate performance would be available for impaired driving. SAFETEA thus gives all States greater latitude in directing resources to address priority problems, including high visibility impaired driving enforcement efforts.

NHTSA'S OVERSIGHT OF STATE SAFETY PROGRAMS

Question. Dr. Runge, the second word in the administration's SAFETEA proposal stands for "accountable." Yet, the recent report released by the General Accounting Office draws the conclusion that NHTSA has been inconsistent in holding the States accountable for their highway safety programs. The GAO reported that NHTSA's use of management reviews varied from region to region and that the regional offices have made limited and inconsistent use of improvement plans. While some States may do a good job at meeting their safety objectives, it is clear that others may benefit from greater input and guidance from NHTSA.

How specifically does your SAFETEA proposal improve the accountability of State highway safety programs? Does any part of your SAFETEA proposal withhold Federal funding from States that fail to meet stated safety goals?

Answer. The SAFETEA proposal would improve the accountability of State highway safety programs because it would allocate the majority of funds to States based on specific measures of their performance in achieving safety improvements and improved outcomes. In fiscal year 2004, \$100 million would go to States that succeeded in enacting primary safety belt laws, or that achieved belt use rates of 90 percent or higher. Another \$50 million would be distributed only to States that succeeded in achieving low or improved rates of total motor vehicle fatalities, alcohol-related fatalities, and/or motorcyclist, pedestrian, and bicyclist fatalities. Another \$25 million would go only to States that achieved high or improved safety belt use rates. Fifty million dollars would be distributed to a limited number of States that agree

to conduct assessments of their programs and carry out impaired driving programs that include specified performance elements. Beginning in fiscal year 2005, States that fail to enact primary safety belt laws or achieve 90 percent safety belt use without such a law would transfer 10 percent of their highway safety improvement program funds to their Section 402 highway safety program.

CRASH CAUSATION

Question. NHTSA's 2004 budget includes the first \$10 million installment of your \$60 million proposal to update the 30-year-old Tri-Level Study on motor vehicle crash causation. The motor vehicle crash causation study is expected to commence at the completion of the truck crash causation study that has been funded through the Federal Motor Carrier Safety Administration but conducted by NHTSA over the last 3 years. The 2003 Conference Report directed NHTSA to have the CDC's National Center for Injury Prevention and Control evaluate the adequacy of the crash causation research design.

Dr. Runge, given that the motor vehicle crash causation study is expected to use the same methodology as the truck crash causation study, would it make sense to see the results of the CDC evaluation before moving ahead with the motor vehicle crash causation study?

Answer. The Large Truck Crash Causation Study (LTCCS) design and implementation was thoroughly reviewed by a knowledgeable Transportation Research Board (TRB) committee. Most of the TRB recommendations were incorporated into the LTCCS study. Those that are applicable to the upcoming National Motor Vehicle Crash Causation Survey (NMVCCS) will be included in its design. In response to the specific direction in the 2003 Conference Report, the National Highway Traffic Safety Administration (NHTSA) has prepared a written description of the Large Truck Crash Causation Study sample design. It details the sampling process, as well as providing a description of the practical application of this design into field operations. This report is being provided to CDC for review. The results of the CDC evaluation will be taken into consideration.

NHTSA'S "CHECKPOINT STRIKEFORCE" CAMPAIGN

Question. Dr. Runge, last June, your agency launched a sobriety checkpoint blitz called "Checkpoint Strikeforce" which was the first border-through-border law enforcement effort to deter drunk driving in the mid-Atlantic region. The program, which utilized sobriety checkpoints, law enforcement saturation patrols and public awareness campaigns, began just before the Fourth of July and ended in January this year.

What can you tell us about the results of "Checkpoint Strikeforce" to date?

Answer. The first phase of NHTSA Region III's "Checkpoint Strikeforce" program ran from July 4, 2002, through January 4, 2003. The five States (Delaware, Maryland, Pennsylvania, Virginia, West Virginia) and the District of Columbia collectively conducted 720 sobriety checkpoints at which they contacted over 406,000 motorists and made 1,775 arrests for driving while under the influence (DWI) of alcohol. Overall, more than 3,000 enforcement actions (e.g., citations, arrests) were taken, including 77 arrests for felony charges.

Analysis of public attitude and awareness survey data is continuing. In Virginia, for example, it is estimated that the "Checkpoint Strikeforce" message reached more than 2 million viewers through television news stories, and 4 million print impressions were made through newspapers and other print media. Surveys showed that 71 percent of Virginians "strongly support" checkpoints and 82 percent believe checkpoints are a "useful tool in keeping drunk drivers off the road."

The ultimate objective of "Checkpoint Strikeforce" is to deter impaired driving and reduce crashes, injuries, and fatalities. Analysis of crash and fatality data is incomplete. However, preliminary results suggest that alcohol-related fatalities are down in four of the six States, compared to the comparable period the year before.

Question. Are you planning a similar effort in any other region?

Answer. A similar effort is underway across the Nation, with every State, the District of Columbia, and Puerto Rico participating to some degree. The Campaign is called "You Drink & Drive. You Lose." although some States use different terminology to describe the program of sustained impaired driving enforcement, punctuated by periodic high-intensity crackdowns with heavy publicity. For example, Illinois and Washington call their Campaigns "Drive Hammered, Get Nailed." The sustained enforcement component of the Campaign is patterned on "Checkpoint Strikeforce", but with a higher degree of intensity. In addition, "You Drink & Drive. You Lose." also relies on the State highway safety offices to coordinate the schedule of the agencies' special operations so that there is a public perception that the

stepped up enforcement occurs continually. Although all States have numerous law enforcement agencies participating, NHTSA's attention in 2003 is focused on 13 Strategic Evaluation States (Alaska, Arizona, California, Florida, Georgia, Louisiana, Mississippi, Montana, New Mexico, Ohio, Pennsylvania, Texas, and West Virginia) that have high rates and/or numbers of alcohol-related fatalities. A nationwide advertising campaign is being enhanced in those 13 States with statewide television and radio advertisements, and their enforcement, public awareness and crash data are being monitored to assess the program's effectiveness.

COORDINATED GOVERNMENTAL EFFORT TO FIGHT DRUNK DRIVING

Question. Dr. Runge, roughly one-third of all drivers arrested or convicted for DUIs or DWIs were repeat offenders. These individuals are over-represented in fatal crashes and less likely to be influenced by education or legal sanctions. Given that these hard-core drinkers are probably the toughest individuals to reach, it seems that there ought to be a coordinated governmental effort to reach them. Last year, we directed NHTSA to work with the Attorney General's office to identify the best strategies to reduce plea bargaining and to make sure that impaired driving convictions are applied in a consistent manner. Beyond that, I think it is important that we look at the public health aspects of this problem to make sure that people are getting the treatment that they need. I know that you spoke to the National Institute on Alcohol Abuse and Alcoholism in February about how your two agencies might work together on this very challenging problem.

What can you tell us about NHTSA's collaboration with the Department of Justice and the Department of Health and Human Services on drunk driving initiatives?

Answer. NHTSA collaborates regularly with both the Department of Justice and the Department of Health and Human Services on initiatives that can reduce impaired driving.

At the Department of Justice, NHTSA works closely with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Bureau of Justice Assistance (BJA) to support and expand the use of youth courts and impaired driving courts throughout the country. In addition, representatives of the Department of Justice participated in NHTSA's 2002 Criminal Justice Summit and agreed to support its recommendations.

At the Department of Health and Human Services, NHTSA works closely with a number of agencies, including the Substance Abuse and Mental Health Services Administration (SAMHSA), National Institute on Alcohol Abuse and Alcoholism (NIAAA), the Centers for Disease Control and Prevention (CDC), and the Office of the Surgeon General, regarding a range of programs that focus primarily on prevention, intervention, and treatment. In addition, this spring, NHTSA, SAMHSA, and NIAAA co-sponsored a meeting of experts in alcohol research and the criminal justice system, to consider viable treatment options.

TOP PRIORITIES FOR NHTSA AND FMCSA'S SAFETY REGULATORY AGENDA

Question. Ms. Sandberg and Dr. Runge, Americans all across the country rely on your two agencies to establish strong safety regulations to ensure that our trucks and cars are safe and that their drivers operate their vehicles in a safe and sober manner.

What are your top three priorities for safety rules in the coming year that you think will achieve the most for highway safety?

Answer. NHTSA's top three priorities for safety rules for fiscal year 2004 are:

Upgrade Side Impact Requirements for Light Vehicles.—NHTSA is engaged in extensive research and rulemaking activities for an upgrade of FMVSS No. 214, Side Impact Protection. Side crashes killed 9,048 light vehicle occupants and injured 773,000 in 2001. This upgrade will address new safety issues arising out of the significant changes in the U.S. side crash environment in recent years due to the increase in light trucks, vans, and multipurpose passenger vehicles and is a first step in addressing compatibility, one of the Administrator's priorities. Most importantly, the upgrade adds a vehicle-to-pole impact test simulating real world side crashes to rigid narrow objects.

Improved Rear Impact Occupant Protection.—NHTSA estimates that each year 272,088 occupants of vehicles struck in the rear by another vehicle receive whiplash injuries. Although whiplash injuries may be of a relatively minor in severity, they entail large societal costs, estimated at \$1.76 billion for rear impact whiplash. To reduce the frequency and severity of injuries in rear-end and other collisions, the Agency is developing rulemaking actions to upgrade its head restraint and seating system standards. It is important to protect occupants in the rear seats from those in the front seats without increasing the injury risk to those in the front. NHTSA

believes that with adequate head restraints and energy management, both goals can be met. In the near term, a final rule on FMVSS No. 202, Head Restraints and Notice of Proposed Rulemaking on FMVSS No. 207, Seating Systems will be published.

Rollover Protection.—Approximately 275,000 light vehicles are involved in rollover crashes each year. Rollover crashes are especially lethal; although they comprise only 4 percent of crashes, they account for almost one-third of light vehicle occupant fatalities and more than 60 percent of SUV fatalities. Rollover crashes cause approximately 10,000 fatalities and 27,000 serious injuries each year. Based on testing and analysis, NHTSA is preparing a final notice to announce dynamic rollover ratings to include in the NCAP rollover consumer information program. In addition, the Agency plans to publish a notice in fiscal year 2004 to upgrade FMVSS No. 216, Roof Crush Resistance.

NHTSA EFFORTS TO IMPROVE SUV SAFETY/REDUCING ROLLOVERS AND AGGRESSIVITY

Question. Dr. Runge, in February, you testified before the Commerce Committee on your agency's efforts to improve the safety of Sport Utility Vehicles. Your testimony pointed out that the rate of rollover fatalities for SUVs is almost three times the rate of passenger cars and rollover crashes represent 32 percent of passenger vehicle occupant fatalities.

The TREAD Act required NHTSA to develop a dynamic rollover test by November, 2002 but this deadline has not been met. When precisely will this final rule be completed?

Answer. The Notice of Proposed Rulemaking for NCAP Rollover Resistance Ratings using both Static Stability Factor and dynamic maneuver tests in accordance with the TREAD Act was published October 7, 2002. We expect to publish this Final Rule in the late summer of 2003.

Question. There is also the issue of the aggressivity of SUVs—when an SUV crashes with a passenger car, there are 16 driver fatalities in a passenger car for every one driver fatality in the SUV. You assigned an Integrated Project Team to evaluate aggressivity and incompatibility in multi-vehicle crashes.

What is your timetable for developing rules to improve the safety features of the passenger car and to reduce the aggressiveness of larger vehicles such as SUVs?

Answer. NHTSA's plans to improve passenger car safety and reduce the aggressiveness of larger vehicles are described in the Compatibility Integrated Project Team report that has been placed in Docket NHTSA-2003-14623. The initiative to improve passenger car safety is focused on side impact protection. A proposal to upgrade Federal motor vehicle safety standard No. 214, "Side impact protection," is now being developed, with an expected publication in late calendar year 2003.

Rulemaking to reduce the aggressiveness (i.e., improve vehicle compatibility) of larger vehicles will not be initiated until some near-term research is completed. Although analyses and studies conducted to date have retrospectively demonstrated several vehicle characteristics that appear to have considerable promise for establishing compatibility requirements, the Agency has yet to demonstrate that any of these characteristics can prospectively be measured in a vehicle crash test and the level of compatibility be quantified. A comprehensive crash test program is being pursued in an effort to determine whether vehicles of comparable mass, but with considerably differing aggressiveness characteristics, produce quantifiable differences for occupants of the struck vehicle. If differences can be quantified, NHTSA will seek to identify countermeasures for potential establishment of compatibility requirements. The Agency expects to complete this testing and analysis in about a year, and then make a determination on whether to initiate a rulemaking effort.

Question. Have you considered using the New Car Assessment Program to determine how well passenger cars fare when struck by a larger vehicle?

Answer. Yes. NHTSA is pursuing this as part of the vehicle compatibility effort, which includes assessment of a number of proposed crash test barriers. When NHTSA is able to develop metrics and requirements that reflect the compatibility of a particular vehicle, the Agency will then investigate whether or not testing with these alternative crash barriers would provide useful consumer information, and if so, how to best convey that information to the public so that they can utilize it in their purchasing decisions.

STEPS NHTSA IS TAKING TO IMPROVE VEHICLE BLIND SPOTS

Question. Dr. Runge, the April issue of *Consumer Reports* includes a dramatic chart showing the blind spots in four different vehicle categories, from passenger sedans to minivans, SUVs and pickup trucks. The blind spots are far larger than many motorists believe, putting especially smaller kids in the greatest danger. Indeed, a 5'1" woman driving a Chevrolet Avalanche has a 50 foot blind spot in back

of her. Even a 5'9" man has a 30 foot blind spot in the Avalanche. It is estimated that as many as 58 children were killed last year because they were rolled over by a vehicle that was backing up and unaware that they were there.

What kind of data does NHTSA have on these types of non-crash, non-traffic incidents that many times have grave safety implications? If your agency doesn't collect this data, why not?

Answer. About 2 years ago, NHTSA began efforts to gather data relating to non-traffic, non-crash vehicle safety hazards—a process that, for a variety of reasons, can be difficult. Following the successful completion of a pilot study of 1997 death certificates, a more broad based program was instituted to review 1998 death certificates, as well as other data and information sources such as academic research, various health-related databases, and news sources. By the end of this summer, NHTSA expects to publish a comprehensive interim report on its non-traffic, non-crash research efforts, including those focusing on deaths and injuries resulting from vehicles backing up. NHTSA has reviewed about 60 percent of the 1998 death certificates it has received. The Agency has identified 49 vehicle-backing deaths in those death certificates. Of the 49 deaths identified, 23 of the victims were 4 years old or younger, and 22 were 60 years old or older, with 19 of these older than 70. However, it should be noted that the death certificate data does not indicate whether there was a "blind spot" on the striking vehicle.

Question. What, if any, kind of testing has NHTSA done on backup warning devices already on the market to determine which work best in detecting a small child, for example, in the vehicle's blind spot?

Answer. In 1994, NHTSA published a report evaluating electronic rear object detection systems for large trucks. The results of the testing indicated that the devices have difficulty consistently detecting many critical objects. They had a limited area of coverage, which helps to reduce irrelevant warnings, but as a result, their ability to detect moving pedestrians may be limited. Although NHTSA has not performed any recent testing, the technologies currently in use for passenger vehicles would be expected to have some of the same limitations as those studied previously. Although NHTSA is aware that a number of manufacturers offer some type of electronic backing aid, they characterize these technologies as parking aids and not as collision warning or pedestrian warning devices, in part, due to the current limitations of the technology. Such limitations include the likelihood that these devices could produce many false alarms to non-threatening objects. False alarms are likely to reduce the effectiveness of the warning by making drivers less responsive when there is a real collision threat.

BLUE RIBBON COMMISSION ON HIGHWAY SAFETY

Question. The administration's SAFETEA proposal includes a total of \$7 million over 6 years for a National Blue Ribbon Commission on Highway Safety. The purpose of this safety commission is to study the Nation's highway safety needs and to make recommendations on how to reduce highway fatalities. The final report of the Commission would be delivered as late as February 1, 2009.

I'd like the entire panel to answer this question. Given what we know about the benefits of seat belts, tough drunk driving laws, and strong vehicle safety standards, why do we need 6 years and \$7 million to study a problem to which we already know the solutions?

Answer. The focus of the Commission would be more than studying individual solutions to highway safety problems. The intent of this initiative is to have a shared effort by the administration, Congress, and the public to raise the level of concern regarding highway safety to the forefront of the public health issues. The level of discussion and awareness such as a Commission would engender, has yet to be generated, even in response to the fact that almost 43,000 Americans are killed each year on our highways. The Agency believes that it is appropriate that innovative policies and organizational perspectives be taken, resulting in a higher level of awareness and commitment to provide appropriate resources to implement the needed strategies.

Question. Isn't this Commission just an excuse to put off meaningful action on the safety remedies that we already know work?

Answer. Reducing the number of highway-related fatalities is a continuing challenge. The Agency does not intend to put off meaningful action on proven safety remedies. The proposed doubling of funds for highway safety in SAFETEA indicates a significant investment to implement the proven safety remedies. However, the Agency believes that it should move forward to develop new strategies to address issues of hardcore drunk-drivers and non-users of safety belts and motorcycle helmets. The Commission would provide a unique opportunity to involve all interested

parties, including Federal, State, and local agencies, and other public and private sectors, to discuss the possible solutions and strategies to such issues.

QUESTIONS SUBMITTED TO THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

Question. The Motor Carrier budget proposes \$9 million to implement a Northern Border Truck Safety Grant program for HAZMAT inspections. However, the budget states that an emphasis will be placed on conducting additional roadside inspections at or near the more remote border crossing locations. Could you explain how exactly the Northern Border Truck Safety Grant program will be implemented and what kinds of inspections will be conducted? Additionally, what is the long-term goal of this new program?

Answer. FMCSA intends to develop a formula-based allocation with a small discretionary set-aside modeled after the Motor Carrier Safety Assistance Program (MCSAP). FMCSA has many years of experience working with the southwest Border States in targeting the border enforcement funds to maximize effectiveness and efficiency in meeting the mandates of Congress and the administration. The variety of situations in the Border States, the unique issues with their cross-border partners, the characteristics of the ports of entry, types of cargo being transported and inspection regimes, have provided us with the knowledge and experience to effectively allocate the majority of the border enforcement funds on a formula basis. The formula will be developed through rulemaking.

If authorized, we would continue to distribute the funds according to the priorities and criteria established and published in the Code of Federal Regulations. The amounts available would be based on documented needs, the unique circumstances, and information provided within the individual State's funding request. The FMCSA and States have worked cooperatively to meet Congressional mandates and optimize the level of enforcement and compliance activities conducted with the limited funds available for border enforcement programs. To date, all of the States that have applied for funding have been allocated part of the available funds.

We anticipate the States will request funds for additional inspection activities, primarily on commercial motor vehicles transporting hazardous materials, and to develop communications with Federal inspections agencies in the Bureau of Customs and Border Protection and the Transportation Security Administration (TSA). The overall goal of this program is to ensure that State commercial motor vehicle inspection agencies along the Canadian border have sufficient resources to ensure that drivers and commercial motor vehicles, especially those transporting hazardous materials, are safe and secure from the threat of terrorist acts through increased inspections and enhanced communications with Federal security agencies.

Question. The FMCSA budget proposes a total of \$33 million for implementation of the new entrant program. Given that there are approximately 50,000 new entrants every year, how many audits does the Department actually expect to conduct if this program is fully funded?

Answer. The FMCSA expects to conduct approximately 40,000 new entrant audits per year.

Question. If we cannot expect to conduct an audit of every new entrant, what consideration has been given to phasing in the program or setting up some sort of criteria for prioritizing these new entrants that will be audited?

Answer. The FMCSA has established a new entrant implementation plan that meets the statutory language and ensures that an audit be conducted on every new entrant within 18 months of beginning operation. New entrant audits are scheduled based on the date of the carrier's registration to ensure the 18-month deadline is met.

The FMCSA took aggressive action prior to publication of the Interim Final Rule to ensure the program could begin full implementation in fiscal year 2003. Prior to the implementation of the rule, the agency issued a press release and established New Entrant Program information on its website. FMCSA's National Training Center established an aggressive training schedule to offer opportunities to Federal and State personnel who will conduct the safety audits under the program. In fiscal year 2003, our budget provided 100 percent High Priority MCSAP funds in the amount of \$2 million to 34 States to begin implementing the program. The funds may be used to hire additional staff and to train the staff designated to conduct the audits. Forty-six States have signed onto the program. The agency also delivered the FMCSA Field Operations Training Manual to each FMCSA Division Administrator on April 10, 2003, with instructions to provide a copy to their MCSAP counterpart

and to meet and discuss the program with them. FMCSA stands ready to conduct the audits now.

FMCSA believes that it has taken all appropriate actions to fully implement the program. Our goal is to get the most exposure so that we can positively impact safety and make any adjustments prior to full funding in 2004. To phase in the program over time would serve only to delay conducting audits on carriers, thus posing an increased risk to the public. FMCSA believes that the safety benefits of the program are great and that the more carriers it visits, the greater the potential for the Agency to reduce the number of commercial motor vehicle crashes, injuries, and fatalities.

Question. The FMCSA budget proposes \$16.2 million for implementation of the New Entrant program and an additional \$17 million in MCSAP funding for the same, for a total of \$33 million. Since only 46 States have agreed to participate, what is the proposed Federal-State funding split? Specifically, how will the additional MCSAP money be distributed and how will the Federal share be used?

Answer. In January 2003, FMCSA anticipated that 30 percent of the States would participate in the New Entrant program. While 46 States indicate that they will participate, they are participating at differing levels. The \$17 million will be distributed to the States based on their level of participation and financial need. Some States have indicated that they will handle all new entrant audits given the appropriate Federal funding, while some have indicated that they will strive to participate to the extent they are able. Legislative authority and personnel ceilings are two issues many States must address prior to full commitment. The current amounts contained in the President's budget reflect anticipated participation of State efforts to conduct new entrant safety audits.

The Federal share will be used to hire 32 Federal positions for the management, oversight, and quality control of the New Entrant audit program, as well as to hire private contractors to conduct the new entrant audits.

Question. FMCSA is responsible for implementation of HAZMAT rules and regulations following implementation of the Patriot Act. To date, what steps have been taken to comply with these requirements?

Answer. On May 5, 2003, TSA published an Interim Final Rule in the Federal Register that implemented the background check provisions of the USA PATRIOT Act. TSA is developing the program to implement that regulation. Also on May 5, FMCSA issued a companion regulation prohibiting States from issuing, renewing, transferring, or upgrading a commercial driver's license (CDL) with a hazardous materials endorsement unless TSA has first conducted a background records check of the applicant and determined that the applicant does not pose a security risk warranting denial of the hazardous materials endorsement.

Question. Are Household Goods operators required to submit to any specific certification process through FMCSA or other regulatory agency?

Answer. All household goods applicants are required to certify that they are fit, willing and able to provide the specialized service necessary to transport household goods. This assessment of fitness includes the applicant's general familiarity with the Federal Motor Carrier Commercial Regulations for household goods transportation.

In addition, all applicants must certify that they will offer a dispute settlement or arbitration program to resolve loss and damage disputes on collect-on-delivery shipments. Applicants must ensure willingness to acquire the protective equipment and trained operators necessary to perform household goods movement. In its decision letter granting the carrier authority to operate in interstate commerce, FMCSA advises applicants that an arbitration program is required.

Question. How many Hazardous Materials incidents occur each year?

Answer. DOT collects hazardous materials incident data in two different ways. FMCSA compiles data on trucks carrying hazardous materials involved in crashes in the Motor Carrier Management Information System (MCMIS) through reports of police officers responding to the crash. RSPA requires carriers to report unintentional releases of hazardous materials in transportation, which is defined as an "incident." RSPA uses these data to extract "serious" incidents, which include releases resulting in the closure of a major transportation artery, a fatality or injury, the evacuation of 25 or more people, and other major impacts to the transportation system.

HAZARDOUS MATERIAL TRUCK CRASHES AND RELEASES, PAST 5 YEARS REPORTED TO FMCSA

Year	Crashes	Crash w/ Release
1998	2,977	589
1999	3,527	500
2000	2,271	380
2001	1,891	297
2002	1,577	202

Source: MCMIS.

HAZARDOUS MATERIALS HIGHWAY INCIDENTS, PAST 5 YEARS REPORTED TO RSPA

Year	Incidents	Serious Incidents ¹
1998	13,110	356
1999	15,008	456
2000	15,129	463
2001	15,825	487
2002	13,514	² 453

Source: Hazardous Materials Information System, RSPA.

¹ Serious Incident Defined by RSPA in 2002.² Estimate—Data are incomplete.

Question. How do NHTSA and FMCSA coordinate with regard to the “Share the Road” education program, and how do you believe that program can be made more effective?

Answer. In fiscal year 2003, Congress earmarked \$500,000 to be transferred from the National Highway Traffic Safety Administration (NHTSA) to the Federal Motor Carrier Safety Administration (FMCSA) for the Share the Road program. Once FMCSA provides NHTSA with a spending plan for the funds, the monies will be transferred. FMCSA partners with NHTSA on a steering team on the Share the Road Coalition, and communicates regularly to discuss issues as they arise throughout the year.

To improve the effectiveness of Share the Road, the FMCSA has broadened the program's scope to include all highway users and has identified specific target audiences that offer the highest opportunity for safety improvement. Education and outreach materials are being developed and tested to evaluate effectiveness. Future plans to increase the effectiveness of the Share the Road program include distributing those projects considered most effective throughout the country via FMCSA field staff and State and industry partners, and by making them available to community safety advocates concerned with truck safety issues. In response to recent GAO recommendations, the Agency plans to develop a Share the Road program planning document and conduct comprehensive program reviews to identify opportunities for improvement.

Question. The new entrant program appears to be the primary new initiative in the Motor Carrier budget. The budget proposes \$33 million for implementation of this program.

(a) Ms. Sandberg, it is my understanding that there are approximately 50,000 new entrants every year. How many audits does the Motor Carrier Administration expect to conduct at this level of funding?

(b) If we cannot expect to conduct an audit of every new entrant, what consideration have you given to phasing-in the program or to establishing some sort of criteria for prioritizing those new entrants that will be audited?

Answer. (a) The FMCSA expects to conduct approximately 40,000 new entrant audits per year.

(b) The FMCSA has established a new entrant implementation plan that meets the intent of the statutory language and will ensure that an audit is conducted on every new entrant within 18 months of beginning operation. New entrant audits are scheduled based on the date of the carrier's registration to ensure the 18-month deadline is met.

The FMCSA took aggressive action prior to publication of the Interim Final Rule to ensure the program could begin full implementation in fiscal year 2003. Prior to the implementation of the rule, the Agency issued a press release and established New Entrant Program information on its website. FMCSA's National Training Center established an aggressive training schedule to offer opportunities to Federal and State personnel who will conduct the safety audits under the program. In fiscal year

2003, FMCSA's budget provided 100 percent High Priority MCSAP funds in the amount of \$2 million to 34 States to begin implementing the program. The funds may be used to hire additional staff and to train the staff designated to conduct the audits. Forty-six States have signed onto the program. The agency also delivered the FMCSA Field Operations Training Manual to each FMCSA Division Administrator on April 10, 2003, with instructions to provide a copy to their MCSAP counterpart and to meet and discuss the program with them. FMCSA stands ready to conduct the audits now.

FMCSA believes that it has taken all appropriate actions to implement the program. Its goal is to get the most exposure for the program to impact positively on safety and make any adjustments prior to full funding in 2004. To phase the program in over time would only serve to delay conducting audits on carriers, thus posing an increased risk to the public. We believe that the safety benefits of the program are great and that the more carriers we visit, the greater the potential to reduce the number of commercial motor vehicle crashes, injuries, and fatalities.

Question. Ms. Sandberg, what is the status of the Large Truck Crash Causation Study, and when will you be sending a progress report to Congress?

Answer. Collection of field data on injury and fatal crashes involving large trucks for the Large Truck Crash Causation Study will continue until the end of 2003. As of May 2003, investigations had begun on 868 large truck crashes (with a goal of investigating 1000 total crashes). Coding and quality control on all cases should be completed by the middle of 2004. The full study database should be released to the public by the end of 2004. Both FMCSA and NHTSA will be conducting multiple analyses.

FMCSA will forward a letter report to Congress on the progress of the study and the adjustments made to the study as a result of recommendations from the Transportation Research Board later this summer. In addition, FMCSA plans to issue a report in the fall of this year with preliminary information on the data collected for the study.

Question. An important part of the implementation of the New Entrant program relies on the cooperation of the States to conduct safety audits. However, at this time only 46 States have agreed to participate in the program.

Ms. Sandberg, how will the program be implemented in the remaining 4 States and how does FMCSA propose to fund it?

Answer. FMCSA will be responsible for implementing the New Entrant program where States cannot fully participate or choose not to participate. Currently, FMCSA Safety Investigators are conducting safety audits in these four States and others where there is a need. In fiscal year 2004, FMCSA is requesting \$16 million to support a Federal program to hire contractors to conduct new entrant audits. The FMCSA anticipates that private entities will be conducting the audits on the new entrant carriers in these four States and other States where 100 percent State participation is not available. In addition to the Federal program, there is also \$17 million requested for grants to States to conduct audits.

Question. Ms. Sandberg, Motor Carriers recently issued a new Hours of Service rule. While this rule increases by 1 hour the number of hours a driver may be on the road, it also increases by 2 hours the number of required off-duty hours.

Could you explain how you believe this new rule is going to make our highways safer?

Answer. The new science-based rule makes significant strides in providing commercial drivers a 24-hour work/rest schedule in line with the body's circadian rhythm. The longer off-duty time allows drivers to have more regular schedules and increases the potential for quality sleep. This approach is consistent with fatigue and sleep-related studies considered in development of the rule that indicate the amount and quality of sleep a person receives has a strong influence on alertness. The final rule helps to eliminate some of the worst aspects of daily rotating schedules and the compression of weekly on-duty time into a short portion of the workweek. This reduces the workday from 15 to 14 hours, replaces 8 off-duty hours with 10 off-duty hours, and, in particular, will not allow work breaks to extend the 14 hours on-duty time.

Question. Ms. Sandberg, your statement mentions the HAZMAT permitting program as required by Congress. It is not clear how much of the HAZMAT permitting process has been turned over to the Transportation Security Administration at the Department of Homeland Security and how much authority remains with the Motor Carrier Administration.

I have been told that virtually all of that process has been turned over to TSA while you are expected to support the contract to conduct the background investigations. Ms. Sandberg, can you clarify this for me?

Answer. FMCSA has not turned over any aspect of the HAZMAT permitting process to TSA. This requirement comes out of the Hazardous Materials Transportation Uniform Safety Act of 1990 and is separate from the background check requirements of the USA PATRIOT Act.

FMCSA has coordinated with TSA in developing the proposal for the permit program, however, FMCSA will oversee the permit application process and FMCSA field staff will conduct investigations of companies applying for permits to determine fitness. In fact, TSA is transferring funding for implementing a hazardous materials permit program to FMCSA. Currently, FMCSA has submitted a Supplemental Notice of Proposed Rulemaking (SNPRM) to establish a safety permit program and require motor carriers transporting these materials to obtain a safety permit prior to transporting these hazardous materials. The Office of Management and Budget (OMB) is currently reviewing the SNPRM for Hazardous Materials Safety Permits.

Question. The March 2001, General Accounting Office report to Congress concluded that FMCSA oversight of the household goods moving industry and enforcement of the consumer protection regulations has been minimal since 1996. As a result of this vacuum, rogue movers have proliferated and are literally holding consumers' possessions as ransom for additional payment.

(a) Ms. Sandberg, what is your plan to address this problem?

(b) How is the budget increase for household goods enforcement planning to be used specifically for enforcement and investigation?

Answer. (a) FMCSA has taken a proactive approach by developing a comprehensive Household Goods (HHG) Outreach and Enforcement Program to focus on addressing consumer complaints and enforcing regulations on non-compliant carriers.

A HHG Program Manager has been hired to administer and implement the agency's overall HHG Enforcement Program, as well as coordinate regulatory strike force activities.

FMCSA has enhanced its enforcement program by developing enforcement criteria to identify the most egregious HHG violators and to conduct enforcement strike forces on targeted carriers. HHG carriers/brokers identified for investigation under this process have demonstrated a continuous pattern of noncompliance with our commercial regulations.

(b) The budget request supports a study on the moving industry dispute settlement programs for resolving loss and damage claims, and provide funding to hire seven additional commercial investigators to conduct HHG investigations on the most egregious violators of the commercial regulations.

QUESTIONS SUBMITTED BY SENATOR PATTY MURRAY

Question. Ms. Sandberg, your 2004 budget includes \$9 million for the agency's regulatory development program. This funding will be used to establish a medical review board and a national medical examiner registry in an effort to upgrade the quality of commercial driver medical examinations nationally.

As you know, the FAA has its own program to ensure that pilots are medically qualified. What input, if any, have you had from the FAA in developing this program?

Answer. FMCSA is conducting a planning analysis to identify a feasible set of strategies to be used to develop and maintain a national registry of medical examiners and a program to certify all medical examiners that perform commercial driver physical examinations. It will review the procedures that the FAA and other Federal agencies use to certify medical examiners and investigate different approaches for establishing a national database of medical examiners.

Question. When precisely can we expect this registry to be fully implemented?

Answer. Estimation of a precise implementation date for the registry of medical examiners is complicated by uncertainties in designing a new program that is not yet defined in a Notice of Proposed Rulemaking (NPRM). Until the agency has completed its planning analysis for the national registry and published a final rule, an estimation of a full implementation date would be speculative.

Question. NHTSA's 2004 budget includes the first \$10 million installment of your \$60 million proposal to update the 30-year-old Tri-Level Study on motor vehicle crash causation. The motor vehicle crash causation study is expected to commence at the completion of the truck crash causation study that has been funded through the Federal Motor Carrier Safety Administration but conducted by NHTSA over the last 3 years. The 2003 Conference Report directed NHTSA to have the CDC's National Center for Injury Prevention and Control evaluate the adequacy of the crash causation research design.

Ms. Sandberg, the Transportation Research Board has provided your agency with a series of recommendations on the crash causation study. Which, if any, of TRB's recommendations have you decided not to implement?

Answer. FMCSA hired the Transportation Research Board to consult on the design and implementation of the Large Truck Crash Causation Study. The TRB panel, consisting of experts from varying fields, met five times over the past 3 years. A panel subcommittee met an additional two times to address several specific issues. The TRB panel made many suggestions, but made only a few formal recommendations for the sample design, the data collection forms and data coding protocol. Numerous changes were incorporated into the LTCCS as a result of the TRB suggestions. Of the formal recommendations, two were not implemented:

- “Exclude two-axle straight trucks from the study to focus exclusively on larger straight trucks and combination vehicles” (November 15, 2000, letter to FMCSA). Since FMCSA regulates these vehicles, we need crash causation data on crashes involving these vehicles.
- “Study should collect more data on vehicle components, vehicle dynamics, brake condition, measurement of skid marks, roadway geometry, and objective estimates of pre-crash speed” (December 4, 2001, letter to FMCSA). Collection of some information on many of these elements is already part of the study. However, collection of more in-depth data would require complete reconstructions of each crash and vehicle, which was not possible given the study resources, design, and timeline.

Question. Ms. Sandberg and Dr. Runge, Americans all across the country rely on your two agencies to establish strong safety regulations to ensure that our trucks and cars are safe and that their drivers operate their vehicles in a safe and sober manner.

What are your top three priorities for safety rules in the coming year that you think will achieve the most for highway safety?

Answer. For FMCSA, the top three safety rules that will achieve the most for highway safety are:

- Implementing the new driver hours-of-service rule to help minimize the number of crashes due to large truck driver fatigue.
- Implementing the new entrant interim final rule to ensure that new motor carriers are in compliance with safety regulations at the onset of their operations.
- Developing a notice of proposed rulemaking that would merge the requirement for driver medical certification with that of obtaining a commercial driver's license (CDL). The 1999 Louisiana bus crash might have been avoided had such a requirement been in place.

Question. Ms. Sandberg, your testimony refers to a revised process for the development of motor carrier safety regulations that is designed to improve both the quality and timeliness of your agency's rulemakings.

Why should we be convinced that these changes would result in greater motor carrier safety? How much time will you be saving in the rulemaking process—are we talking months or years?

Answer. FMCSA's new Rulemaking Order, which was signed in January 2003, established for the first time a clearly defined process by which FMCSA can develop its safety regulations. While it is difficult to predict specific time saved, I anticipate that it will have a positive impact on both the quality and timeliness of our rulemakings, as well as commercial motor vehicle (CMV) safety. In the legislation that established the FMCSA, Congress placed special emphasis on the importance of timely rulemaking as an important way to achieve reductions in the number and severity of CMV crashes.

Question. This new process is designed to build consensus with senior managers earlier in the rule's development. Does this new process also include any sort of negotiated rulemaking process—similar to what the FRA uses with its Rail Safety Advisory Committee? Under what scenarios might you choose to use a negotiated rulemaking process where both industry and safety groups engage in the rule's development?

Answer. The FMCSA has no standing advisory committee similar to FRA's Rail Safety Advisory Committee, which was formally established under the Federal Advisory Committee Act. However, FMCSA's new rulemaking process provides for negotiated rulemaking. The Agency would use, and has used, this approach when there are complex issues and there is sharp disagreement among the regulated parties that cannot otherwise be resolved through the standard notice and comment approach to rulemaking. An example where the Agency has used this approach is the recently published regulation on driver hours-of-service.

Question. Ms. Sandberg, just over a year ago, the Inspector General released a report on your agency's oversight of the Commercial Driver's License (CDL) pro-

gram. The principal findings of the IG's report were as follows: first, CDL fraud is a significant problem; second, that FMCSA needs to strengthen its oversight of State CDL programs; and third, the FMCSA should use sanctions when necessary to enforce compliance with CDL requirements.

(a) What specific steps has your agency taken to reduce CDL fraud and to strengthen your oversight of the State CDL programs?

(b) Given what you know about the effectiveness of sanctions from your experience as Deputy Administrator of NHTSA, has your agency withheld any highway funds from States that have failed to correct significant CDL problems?

Answer. (a) Through a cooperative agreement with the American Association of Motor Vehicle Administrators, FMCSA is using an \$8 million fiscal year 2002 supplemental appropriation to develop a 14-task effort to better detect and prevent fraudulent activities within the State CDL programs. These tasks include activities such as fraudulent document recognition training for State licensing agency staff, uniform identification practices and documents, the development of best practices for State and third party test examiners, and the conducting of a CDL Fraud Symposium in November 2002, where States shared information on efforts to detect and prevent fraud.

FMCSA has strengthened and enhanced the CDL compliance and oversight program. A 3-year cycle of this enhanced CDL compliance process has just been completed where written administrative procedures and laws are reviewed and a complete "hands on" operational review is conducted to make sure that written procedures are being followed. Starting in 2002, a legal sufficiency review is being conducted on State CDL laws, statutes, and administrative procedures.

(b) No. To date, FMCSA has not withheld any Federal-aid highway funds from any State in order to get significant CDL compliance problems and deficiencies corrected. While FMCSA has initiated the process to withhold funds in several States, these States were able to correct the deficiencies before the funds were withheld. The withholding of funds has been used as a last resort. The Agency has been successful in getting States to develop reasonable action plans and schedules to correct deficiencies. Continued monitoring of these action plans has been instrumental in correcting deficiencies within the agreed time period.

Question. Ms. Sandberg, when Secretary Mineta appeared before this subcommittee on May 8th, I asked him whether the Department intended to appeal the Ninth Circuit's decision regarding the U.S.-Mexico commercial vehicle border crossings. He stated that the administration was weighing its options as to whether the decision should be appealed to the Supreme Court or alternatively, whether the Department should prepare the required environmental impact statement.

Which option has the administration decided to pursue?

Answer. FMCSA does not view seeking Supreme Court review of the Ninth Circuit decision and preparing an environmental impact statement (EIS) as mutually exclusive options. Although the administration has not yet determined whether to file a petition for review with the Supreme Court, FMCSA has solicited bids from contractors for EIS preparation and expects to select a contractor within the next 30 days. Therefore, the Agency is taking the necessary steps to prepare an EIS regardless of whether the administration seeks further legal review of the Ninth Circuit decision.

Question. Despite the delay in opening the border, this subcommittee has funded every penny you have requested to build up the inspection force and your oversight capacity at the border. As a result, you currently have 43 percent of all of your Motor Carrier Field Safety Enforcement personnel located at the U.S.-Mexican Border.

(a) Given the anticipated delay in the opening of the border because of this court case, do you believe it still makes sense in terms of improving truck safety nationwide to have 43 percent of all of your truck safety enforcement personnel at the Mexico border?

(b) Would you like this Committee to consider a temporary statutory waiver that would allow you to move these safety enforcement personnel throughout the United States?

Answer. (a) Federal staffing at the Southern Border is necessary to conduct inspections, safety audits, and compliance reviews on U.S. and Mexican carriers. With 80,000 distinct vehicles making over 4.3 million crossings a year, there is a need for a significant Federal presence at border crossings. Although Border States have an enforcement presence at crossings, the extended hours crossings are open, coupled with large crossing volumes, require a Federal presence. In addition, FMCSA is responsible for conducting safety audits and compliance reviews for a large commercial zone population of carriers. Once the border is open, the added burden of conducting reviews on long-haul carriers will be placed on the Federal staff.

(b) The ability to efficiently and effectively deploy staff can be accomplished under authorities FMCSA currently has available. Therefore, a statutory waiver is not necessary.

Question. Ms. Sandberg, the Motor Carrier Safety Improvement Act required that your agency conduct safety reviews for each new entrant trucking firm within the first 18 months after the trucking company begins operations. These new entrants, which total anywhere from 40,000 to 50,000 a year, pose a significant commercial motor vehicle safety risk. Your testimony indicates that 46 States have agreed to either partially or fully conduct new entrant safety audits. Your 2004 budget requests \$16.2 million along with \$17 million in Motor Carrier Safety Assistance Program for the joint Federal and State efforts.

(a) Which States have not agreed to conduct new entrant safety audits and why haven't they agreed to do so?

(b) How, if at all, will these new entrant audits differ from the safety audits that you conduct on trucking companies with existing operating authority?

Answer. (a) Delaware, the District of Columbia, Oregon, and Wyoming have indicated they will not participate in the new entrant program, due primarily to their inability to staff the program at the State level.

(b) A new entrant safety audit is a requirement for all new motor carriers applying for a U.S. DOT number after January 1, 2003. The purpose of the safety audit is to provide educational and technical assistance to the new entrant and gather safety data needed to make an assessment of the new entrant safety performance and the adequacy of its safety management controls. The motor carrier contact is required to be conducted within the first 18 months of operations. It is non-enforcement oriented and will result in a pass/fail outcome based upon the motor carrier's overall safety management controls. If the carrier fails the safety audit, it must take corrective actions or it will not be granted permanent operating authority.

A compliance review is an on-site investigation of the motor carrier's compliance with the Federal motor carrier safety and hazardous materials regulations and is usually conducted on motor carriers that are determined to be higher risk. Higher risk can be derived from data gathered regarding on-road performance, including inspections and crashes, as well as prior compliance reviews, complaints, and special projects. Unlike safety audits, motor carriers are not required to undergo a compliance review as a condition of authority but are always subject to a compliance review, even during the initial 18 months of operation. Compliance reviews result in a rating of satisfactory, conditional, or unsatisfactory, based upon the violations discovered during the investigation and the data gathered from on-road activity. If a carrier is rated unsatisfactory, it must have the rating upgraded in order to avoid an operations out-of-service declaration within 60 days of the compliance review for private and for-hire carriers, and within 45 days for transporters of passengers and placarded hazardous materials. The compliance review is a compliance monitoring and enforcement event. The motor carrier and drivers are subject to fines and other penalties for serious noncompliance with Federal safety and hazardous material violations.

Question. The Inspector General's follow-up audit on the implementation of the safety requirements at the U.S.-Mexico border includes a recommendation to use safety auditors and investigators for the new entrant program while the border opening is delayed due to the Ninth Circuit Court decision.

Do you intend to use these auditors and investigators to conduct new entrant safety audits?

Answer. FMCSA is assessing the recommendations contained in the Inspector General's report on implementation of safety requirements at the U.S.-Mexico border and will respond formally to those recommendations in the very near future. One of the issues we must consider in using border auditors and investigators for new entrant audits is that we maintain an appropriate level of enforcement staff at the border to ensure commercial zone safety.

QUESTIONS SUBMITTED TO MOTHERS AGAINST DRUNK DRIVING

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

Question. Mr. Hurley and Ms. Hamilton, have you analyzed the funding levels proposed in the current budget and in the SAFETEA proposal?

Answer. The Department of Transportation's fiscal year 2004 budget request and "SAFETEA" reauthorization proposal are woefully inadequate in terms of addressing the rising levels of alcohol-related traffic deaths in America.

NHTSA Fiscal Year 2004 Budget.—NHTSA's funding request appears to have increased monies for behavioral funding, however, this is not the case. The fiscal year 2004 request is significantly less than the fiscal year 2003 request. The fiscal year 2004 request includes \$222 million of TEA-21 resources for the Sections 157 and 163 grant programs formerly appropriated in the Federal Highway Administration budget. NHTSA has always administered these funds and is now requesting receipt of this funding directly. This apparent increase is really no increase at all.

The fiscal year 2004 request for behavioral funding is \$516,309,000, however when Section 157 and 163 monies are subtracted, the amount is reduced to \$294,309,000. The fiscal year 2004 request is a quarter of a million less than the fiscal year 2003 request. Additionally, only a percentage of this funding is guaranteed for behavioral safety since States are able to use this funding for roadway safety/highway construction projects.

The levels of funding specifically for impaired driving countermeasures are reduced in the fiscal year 2004 request. The fiscal year 2004 request provides a \$50 million impaired driving grant program to a limited number of "problem" States to demonstrate the effectiveness of a comprehensive approach to reducing impaired driving and for identifying causes of weakness in a State's impaired driving control system. This funding level is \$100 million less than funds available to States in fiscal year 2003 for impaired driving improvements.

Additionally, the NHTSA Impaired Driving Division budget request is significantly lower than fiscal year 2002 enacted levels (\$10.9 million in fiscal year 2004 request compared with \$13.5 million fiscal year 2002 enacted).

SAFETEA Proposal.—The administration's "SAFETEA" proposal significantly decreases funding for alcohol-impaired programs (–67 percent). SAFETEA proposes an impaired driving program totaling only \$50 million, far less than current funding levels. In fiscal year 2003, TEA-21 authorized \$150 million for alcohol-impaired driving countermeasures (impaired driving grants and .08 BAC incentives) and contained requirements for States to enact repeat offender and open container laws. If States failed to pass these alcohol-impaired driving laws then a percentage of their Federal construction funds were transferred. Not only does "SAFETEA" slash impaired driving funding to \$50 million, it fails to include incentives to States to enact effective alcohol-impaired driving countermeasures.

While the administration, the Department of Transportation and NHTSA claim reducing alcohol-related traffic fatalities is a top priority, their fiscal year 2004 budget request and "SAFETEA" proposal fails to provide a coherent plan to address the carnage caused by alcohol-impaired driving on America's roadways.

Question. Ms. Hamilton, do you have any thoughts about Dr. Runge's discussion of NHTSA's plans and would you propose to approach the problem differently?

Answer. MADD believes that Dr. Runge and NHTSA have a strong understanding of what is needed to drive down the number of people killed and injured in alcohol-related crashes. However, their fiscal year 2004 budget proposal and administration's SAFETEA plan fails to provide adequate funding, fails to apply effective data and science driven countermeasures, and fails to provide leadership to seriously address the increasing amount of death and injury due to alcohol-related traffic crashes.

MADD believes that progress will occur when adequate funding is provided for traffic safety programs and when a commitment is made to put proven impaired driving countermeasures, such as law enforcement mobilizations, into place. More accountability is needed at the national, regional and State levels to ensure that Federal funds are being used in a strategic and coordinated effort. Additionally, States should be encouraged to enact priority traffic safety laws, such as primary seat belt enforcement, and laws targeting higher-risk drivers (high BAC and repeat offenders).

Question. Ms. Hamilton, this year NHTSA is running paid media in concert with the impaired driving mobilizations. I am interested in knowing if MADD was involved at all in the development of these ads and how effective you believe they will be in getting the message out?

Answer. MADD would like to thank Senator Shelby and Senator Murray for their leadership in this area and for providing funds for these life-saving efforts. MADD strongly supports the expansion of well-publicized law enforcement campaigns to curb drunk driving and increase seat belt use. These law enforcement activities should utilize frequent and highly visible sobriety checkpoints and/or saturation patrols. Research and field applications have shown these law enforcement activities to be among the most effective tools used to deter impaired driving. The CDC found that sobriety checkpoints can reduce impaired driving crashes by 18 to 24 percent. Checkpoints are especially effective when coupled with media campaigns that raise the visibility and awareness of alcohol-impaired driving enforcement efforts in the

community with the objective of deterring impaired driving before it happens. Senate Bill 1139, introduced by Senator Mike DeWine and Senator Frank Lautenberg, provides funding for increased enforcement efforts across the country and if enacted will enhance the work of this committee and result in lives saved and injuries prevented.

MADD is pleased with the quality and content of the advertising developed for this campaign. The first deployment of this campaign will occur from June 20 to July 13, 2003. MADD believes that raising public awareness through a coordinated national media campaign coupled with high visibility law enforcement (sobriety checkpoints and/or saturation patrols) will be successful. Based on the success of the Click-it-or-Ticket campaign and several demonstration sobriety checkpoint programs these combined efforts have the greatest potential to save lives. However, it is vital that DOT/NHTSA commit 100 percent to promote this program, and they can demonstrate this commitment by ensuring that national wire services cover the kick off press event, by aggressively reaching out to diverse news outlets, by working closely with law enforcement and traffic safety partners, and by evaluating results.

MADD was included in weekly NHTSA meetings that commenced approximately 4 weeks before the mobilization kickoff. MADD had occasional contact with NHTSA during the campaign's development did not participate in the development of the national ad. We would welcome more regular opportunities to work with NHTSA to ensure that these campaigns are as successful as possible.

Question. The NHTSA budget proposes a new initiative to award discretionary grants to States to demonstrate the effectiveness of a comprehensive approach to reducing impaired driving. Ms. Hamilton and Mr. Hurley, I am interested in your thoughts about this new discretionary grant program and how effective you both believe that it will be.

Answer. Sanctions are clearly the more effective approach to encourage States to adopt proven highway safety laws. While incentive programs have had some success, it is clear that—particularly with alcohol-related traffic laws—penalties have shown greater results than incentives. DOT estimates that the 21 Minimum Drinking Age (MDA) law has saved thousands of lives since the national standard was put in place in 1984. A national zero tolerance standard for youth, adopted by Congress in 1995, was also successful in getting States to enact better laws for underage drivers. Clearly the national .08 BAC standard, enacted in 2000, has been much more effective than the TEA-21 incentive program. Under the incentive program, only two States passed .08 BAC laws. Since the national .08 standard was enacted, 22 States have passed this important law.

In addition, DOT's proposed grant program is flawed because it is only made available to States with the worst alcohol-related incidents, leaving the rest of the Nation with no access to these funds. And, the pot of money is not nearly as substantial as it should be to effect needed change.

QUESTIONS SUBMITTED BY SENATOR PATTY MURRAY

Question. This will be the first year that national media will be used for the drunk driving mobilization efforts in July and December. Ms. Hamilton, what does MADD hope that we will accomplish through these national ads and what kind of contact has your organization had with NHTSA during the development of this media effort?

Answer. MADD would like to thank Senator Shelby and Senator Murray for their leadership in this area and for providing funds for these life-saving efforts. MADD strongly supports the expansion of well-publicized law enforcement campaigns to curb drunk driving and increase seat belt use. These law enforcement activities should utilize frequent and highly visible sobriety checkpoints and/or saturation patrols. Research and field applications have shown these law enforcement activities to be among the most effective tools used to deter impaired driving. The CDC found that sobriety checkpoints can reduce impaired driving crashes by 18 to 24 percent. Checkpoints are especially effective when coupled with media campaigns that raise the visibility and awareness of alcohol-impaired driving enforcement efforts in the community with the objective of deterring impaired driving before it happens. Senate Bill 1139, introduced by Senator Mike DeWine and Senator Frank Lautenberg, provides funding for increased enforcement efforts across the country and if enacted will enhance the work of this committee and result in lives saved and injuries prevented.

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national media campaign coupled with high visibility law enforcement (sobriety checkpoints and/or saturation patrols) will be successful. Based on the success of the Click-it-or-Ticket campaign and several demonstration sobriety checkpoint programs these combined efforts have the greatest potential to save lives. However, it is vital that DOT/NHTSA commit 100 percent to promote this program, and they can demonstrate this commitment by ensuring that national wire services cover the kick off press event, by aggressively reaching out to diverse news outlets, by working closely with law enforcement and traffic safety partners, and by evaluating results.

MADD was included in weekly NHTSA meetings that commenced approximately 4 weeks before the mobilization kickoff. MADD had occasional contact with NHTSA during the campaign's development but did not participate in the development of the national ad. We would welcome more regular opportunities to work with NHTSA to ensure that these campaigns are as successful as possible.

Question. Ms. Hamilton, how would you assess the funding levels in NHTSA's budget that are directed toward reducing drunk driving?

Answer. NHTSA's fiscal year 2004 budget request is woefully inadequate in terms of addressing the rising levels of alcohol-related traffic deaths in America. NHTSA's testimony before the Committee gives the false impression that they have increased monies for behavioral funding in their fiscal year 2004 budget request. However, a detailed review of their proposal shows that this is not the case.

The fiscal year 2004 request proposes \$516,309,000 for behavioral funding, however when Section 157 and 163 monies are subtracted the amount is reduced to \$294,309,000. The request includes \$222 million of TEA-21 resources for the Sections 157 and 163 grant programs formerly appropriated in the Federal Highway Administration budget, which NHTSA has always administered and is now requesting receipt of this funding directly. This apparent increase is really no increase at all.

The fiscal year 2004 request is actually \$250,000 less than the fiscal year 2003 request. Additionally, only a percentage of funding guaranteed for behavioral safety since States are able to shift this funding to roadway safety/highway construction projects. The levels of funding for impaired driving countermeasure programs administered by NHTSA are reduced in the fiscal year 2004 request. The NHTSA Impaired Driving Division budget request is significantly lower than fiscal year 2002 enacted levels (\$10.9 million in fiscal year 2004 request compared with \$13.5 million fiscal year 2002 enacted).

NHTSA's State & Community Highway Safety Program drastically reduces funds available to States for impaired driving initiatives. The fiscal year 2004 request provides a \$50 million impaired driving grant program to a limited number of "problem" States to demonstrate the effectiveness of a comprehensive approach to reducing impaired driving and for identifying causes of weakness in a State's impaired driving control system. This funding level is \$100 million less than funds available to States in fiscal year 2003 for impaired driving improvements.

Question. Ms. Hamilton and Mr. Hurley, how would you assess NHTSA's oversight of State highway safety plans and what specific changes would you suggest to improve their accountability?

Answer. In May 2003, the General Accounting Office released a report that determined NHTSA's "performance based" approach to oversight of State and Community Highway Safety Program expenditures by the States has not yielded measurable safety benefits. GAO states that:

" . . . NHTSA's oversight of highway safety programs is less effective than it could be, both in ensuring the efficient and proper use of Federal funds and in helping the States achieve their highway safety goals."

Last year, members of this committee noted the disturbing increase in alcohol-related fatalities and questioned NHTSA's pronouncements that it would intensify its efforts to combat impaired driving. MADD shares the concerns raised by the GAO and Congress regarding the lack of accountability for traffic safety programs under TEA-21.

MADD asks Congress to hold the National Highway Traffic Safety Administration, the agency's regional offices, and the States more accountable for the expenditure of Federal highway safety funds. Our goal is not to make their jobs more difficult. It is to recognize that political pressures and "flavor of the month" traffic safety issues can influence how dollars are spent. DOT claims that its primary goal is to reverse the current trend, but clearly it is time for Congress to create a more consistent process that ensures the efficient and proper use of Federal funds to help the Nation achieve its highway safety goals.

Some suggested changes include:

- Establish three levels of accountability: (1) NHTSA must be held accountable—i.e., how does NHTSA spend its research and evaluation funds, its demonstration project funds, and plan/create a strategy for use of other expenditures from headquarters; (2) NHTSA Regional Offices must be held accountable—i.e., how do the Regional Offices work to assist the States in reaching their goals; (3) State highway safety offices must be held accountable, i.e., what kind of programs are States spending resources on—are they research based and do they reflect the needs in that particular State.
- Establish a memorandum of understanding between the Regional Offices and the State highway safety offices to clearly lay out the role of the regions and the role of the States.
- Regional Offices (RO's) should be more involved in the planning process with the States. RO's should assist the States with: problem identification, development of a data-driven State highway safety plan, setting States' goals, and in the selection of proven countermeasures/programs that will work to meet these goals. RO's need training and expertise to assist the States.
- State highway safety offices must create a highway safety plan that reflects the needs in their States based on the data (i.e., if alcohol-related deaths are high in a particular State, then that State's highway safety plan should adequately reflect the need to reduce alcohol-impaired driving with research-based, proven solutions.)
- A more systematic approach should be used—as shown by the GAO—to ensure that NHTSA and the RO's use tools (i.e., Improvement Plans and High-Risk designation) to improve State performance.
- NHTSA and the RO's should provide the States with “best practices” training and documents. NHTSA's publications and website should be improved to reflect years of research in terms of what works and what does not work. A catalogue of research and resources should be available to the RO's and to the States.
- NHTSA must do a better job to ensure that proven, effective countermeasures are being implemented. Decades of research is being ignored.

Question. Ms. Hamilton, as I mentioned, the Checkpoint Strikeforce project used public awareness, saturation patrols and sobriety checkpoints. Which of these three strategies do you believe is the most effective in deterring drunk driving?

Answer. Sobriety checkpoints and saturation patrols coupled with a public information and enforcement campaign have proven to be highly effective in deterring impaired drivers. Research conducted both in the United States and abroad indicates that the use of sobriety checkpoints has been associated with substantial reductions in alcohol-related crashes. In addition, checkpoints can be instrumental in the enforcement of other traffic safety laws such as zero tolerance for youth and graduated licensing. The use of sobriety checkpoints is permitted in 41 States and the District of Columbia; in other States the use of saturation patrols has been proven to be a successful strategy. The research seems to indicate that sobriety checkpoints, when done effectively, are the best enforcement tool because they deter impaired driving and have a broader reach than other enforcement methods.

As an example of the kinds of reductions that may be achieved with a large and sustained program, the State of Tennessee conducted an intensive sobriety checkpoint effort combined with public awareness from April 1994 to March 1995. Nearly 900 checkpoints were conducted and more than 140,000 drivers were checked for alcohol impairment with nearly 800 DUI arrests. Analysis indicated a 20 percent reduction over the number of impaired driving fatal crashes that would have occurred with no intervention. It was estimated that there was a reduction of 9 impaired driving fatal crashes per month due to the influence of the checkpoint program, amounting to more than 100 lives saved over the intervention period. A check of five comparison States showed non-significant increases in impaired-driving-fatal crashes over the same period.

Question. Overrepresentation of repeat offenders is a public health problem. Is NHTSA collaborating with other agencies (DHHS) to address this problem? Any thoughts?

Answer. MADD agrees that the crime of drunk driving involving “higher-risk” drivers is a major public health problem. Higher-risk drivers often are repeat offenders—people who repeatedly drive after drinking, especially with high blood alcohol content (BAC). These drivers are particularly resistant to changing their behavior. Most U.S. drivers convicted of driving while intoxicated have a .15 percent BAC or higher. A driver at .15 BAC is over 300 times more likely to be involved in a fatal crash. While an estimated 85 percent of drivers in alcohol-related fatal crashes don't have prior drunk driving convictions, those who do pose a substantially greater risk of causing an alcohol-related crash.

MADD believes that NHTSA should be working more actively with Federal agencies—health, justice and education—to address this serious problem. NHTSA should not have to be prompted by Congress to utilize the best research, disciplines and expertise to combat drunk driving. Recent evaluations of State efforts—including vehicle impoundment and forfeiture, license plate impoundment and tagging, and alcohol ignition interlock devices—demonstrate that a combination of proven measures help deter higher-risk offenders. These measures, combined with other effective tactics including license suspension and alcohol assessment/treatment programs, provide a growing array of tools for managing higher-risk drivers. Embracing this research, MADD has developed a practical program for all 50 States. MADD's Higher Risk Driver Program calls for:

- Restricting vehicle operation by these offenders by suspending their licenses for substantial periods, impounding or immobilizing their vehicles and requiring alcohol ignition interlock devices on their vehicles to prevent them from starting if the offenders have been drinking.
- Requiring these offenders to make restitution to the community and drunk driving crash victims through fines and mandatory incarceration and financial restitution to crash victims.
- Promoting recovery programs for offenders with alcohol abuse problems through mandatory alcohol assessment and treatment, intensive probation and attendance at victim impact panels.

Although most of the remedies in MADD's plan are not new, they typically have been implemented on a piecemeal basis, producing a system full of loopholes. Senate Bill 1141 incorporates all of these solutions. This comprehensive approach if enacted would reduce crashes caused by these high-risk drivers.

QUESTIONS SUBMITTED TO THE NATIONAL SAFETY COUNCIL

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

HIGHWAY SAFETY INITIATIVES

Question. Dr. Runge's opening statement says that NHTSA has "pledged to solve the highway safety issues confronting this Nation." However, other than consolidating some grant programs and a new accounting of other grant programs, I see no new, innovative programs included in this budget or in the reauthorization proposal that would convince me that NHTSA is on the way to solving the highway safety issues confronting this Nation.

Mr. Hurley, from your perspective, do you think that the SAFETEA proposal will be successful in reducing highway fatalities? If not, what, in your view, could be done to improve the proposal to allow us to experience the greatest benefits?

Answer. I know that the administration's intent is clearly to save lives, as demonstrated by their focus on primary belt laws and significant incentives to States that enact such laws. We support the intent of this provision. However, SAFETEA does not provide additional specific funding for high visibility enforcement of belt and alcohol laws, as well as targeted funds for programs that support those enforcement initiatives. These funds need to be added to the proposal.

HIGHWAY SAFETY GRANT FUNDING LEVELS

Question. I am concerned that much of this "increase" in funding for highway safety is merely the shifting of funds from Highways to NHTSA. I have expressed this to the Secretary and still believe that we need more information to conduct a proper analysis.

Mr. Hurley and Ms. Hamilton, have you analyzed the funding levels proposed in the current budget and in the SAFE-TEA proposal?

Answer. The proposed \$50 million in the administration budget for a 13-State demonstration program should be placed in Section 403 and supplemented by \$150 million along the lines proposed by the DeWine-Lautenberg bill, S. 1139. This would provide adequate funding for the fundamentally important enforcement mobilizations for safety belts and alcohol.

SAFETY BELTS

Question. With respect to seat belt usage, Dr. Runge has said, "we have a model that works. For every 1 percent increase in belt use, we get \$800 million in economic costs saved, 2.8 million more people buckling up, 276 lives saved, and reduce the severity of 6,400 moderate to critical injuries."

Mr. Hurley, how prudent is it to eliminate funding for "Click It or Ticket" campaigns?

Given that it is the centerpiece of the Air Bag & Seat Belt Safety Campaign, I am interested in hearing how you will move forward absent these federally driven mobilizations and how effective you believe the campaign will be?

Answer. The funding for national paid advertising to support the "Click It or Ticket" and "You Drink and Drive. You Lose." Campaigns is a direct result of the leadership of this subcommittee. We strongly support continued funding of these initiatives because they are proven to work. Since the Air Bag & Seat Belt Safety Campaign Mobilizations began in May 1997, belt use nationally has increased from 61 percent to 75 percent. As Dr. Runge has estimated, that means 39.2 million more people buckling up and 3,864 lives saved each year. Until May of 2002, the Mobilizations primarily relied on earned media coverage by the news media to reach those who continue to violate the belt and child restraint laws. In large part due to the success of these Mobilizations, most people who listen to the news are now buckled. It should be stressed that the 75 percent use rate, while representing remarkable progress, is a daytime measurement. The 25 percent who still have not been reached by previous Mobilizations are inherently high risk. They are literally twice as likely to be in fatal crashes, which often occur late at night. The best proven way to reach this highest risk group, particularly young males which includes many teenagers and drunk drivers, is to target paid advertisements. These advertisements are focused on enforcement and targeted to the broadcast media they watch, which does not often coincide with the evening news. The funds provided by this subcommittee enabled NHTSA to do exactly that, in partnership with the States and the Air Bag & Seat Belt Campaign. Eliminating these critical funds would not only end perhaps the most proven effective initiative NHTSA has ever undertaken, but could well put in jeopardy the hard won gains that have already been achieved. While the Campaign and law enforcement nationwide would continue to make best efforts at these goals using earned media strategies, extensive research indicates that further progress would be extremely difficult to achieve.

IMPAIRED DRIVING

Question. The NHTSA budget proposes a new initiative to award discretionary grants to States to demonstrate the effectiveness of a comprehensive approach to reducing impaired driving.

Ms. Hamilton and Mr. Hurley, I am interested in your thoughts about this new discretionary grant program and how effective you both believe that it will be.

Answer. NHTSA's initiative is likely to be effective in the 13 States that are included, but by definition, it is not likely to have much, if any, effect on the other States and jurisdictions. This is exactly the kind of program NHTSA should conduct as part of its Section 403 activities, but simply does not credibly address the national impaired driving problem. After 20 years of progress, impaired driving fatalities has increased in each of the last 3 years. This is an unmistakable trend requiring urgent national strategies such as those set forth in the DeWine-Lautenberg bill, S. 1139.

CHILD SAFETY SEATS

Question. For the past several years, the Committee has provided funding for child safety seat campaigns. These campaigns have been very successful at increasing the proper use of child safety seats while we developed the second generation of child safety seats which are now accompanied by LATCH systems in all new passenger vehicles to allow for easier installation and safer car seats.

One of the reasons that this campaign has been so successful is due to the broad base of support coming from State and local public safety community, community activists, and private industry. Without this coalition of support it is difficult to imagine that the campaign would have had the effect of continued decreases in child fatalities.

Mr. Hurley, what is the Safety Council's view of how to build upon the positive results we are seeing in child occupant protection as well as how programs like this can be targeted in other areas to save lives on our roads?

Answer. Child passenger safety is a remarkable public health success story. Car seat use, the vaccine for the leading risk kids face, was 2 percent when Tennessee enacted the first mandatory use law in 1977. Now, it is nearly universal for infants, excellent for toddlers, and still lagging in booster seat use. Leadership by this subcommittee, the National Transportation Safety Board, and many other public and private organizations has made this possible. Correct use is one key part of this issue. Kids don't set the level of risk they face on the highway. Adults do that for

them, hence the special obligation we all have to get it right. In less than 5 years, the number of Certified Child Passenger Technicians has gone from a mere handful, to more than 30,000 today. There are very few places in the United States where correct use assistance is unavailable.

Having said that, it is essential to focus on two issues that sometimes get overlooked. Beginning with the air bag crisis of mid-1990's, major efforts were undertaken to get kids properly restrained in the rear seat, where data indicated they are 35 percent better protected, with or without a front passenger air bag. With the advent of advanced air bag systems beginning in September 2003, there is a very real concern that some of the hard won gains may be lost to the implied but false message that is OK to put kids back in the front seat. It will take all of our collective efforts to re-imprint on a new generation of parents that proper restraint in the back seat, where possible, is still the best advice. Second, there has been a 20 percent reduction in child passenger fatalities in the last 5 years. While correct use is essential, it is critical to point out that most child passenger fatalities come not from incorrect use, but rather non-use. The clear majority of child passenger fatalities are completely unrestrained, far more often with unbelted drivers. And the leading risk children face from drunk drivers is as passengers of the drunk driver themselves. There is simply no excuse for these findings. The greatest proportion of the 20 percent reduction in child passenger fatalities has come from high visibility zero tolerance enforcement of seat belt, car seat, and drunk driving laws. Through the leadership of this subcommittee, we are very hopeful that funding will be provided to continue these lifesaving efforts.

QUESTIONS SUBMITTED BY SENATOR PATTY MURRAY

NHTSA'S INCENTIVE PROGRAM AND PRIMARY SEAT BELT LAWS

Question. When the Federal Government has tried to get the States to enact meaningful safety laws, it has taken two approaches. In some instances, like the Minimum Drinking Age Act and the 0.08 law, we have withheld highway construction funds from States that don't pass the law. In other instances, we have provided incentive payments to get States to make safety improvements. The record is clear, when we sanction highway construction funds, all the States eventually comply. When we provide incentive payments, the record is quite mixed. NHTSA's own data show that seat belt use increases as much as 15 percent in States that have primary seat belt laws on the books. Currently, 18 States and the District of Columbia have primary seat belt laws in effect, including my own State of Washington. Yet, the 2004 budget request includes \$100 million for a new primary seat belt incentive grant program. This program is designed to encourage the remaining 32 States to pass a primary seat belt law.

Mr. Hurley, how confident are you that States will pass a primary seat belt law as a result of this grant program?

Answer. We are very hopeful at the Air Bag & Seat Belt Safety Campaign that the \$100 million proposed by the administration will help, but not guarantee the passage of more primary belt laws. The fiscal situation in most States has increased their interest in incentives such as the one being proposed. In Illinois, where Campaign support was successful in helping Illinois to pass a primary law, the prospect of significant Federal incentive funds was very helpful, but not the primary factor for passage. In Florida, and Massachusetts, the funds increased the priority of the issue, but were not in themselves sufficient to overcome opposition to primary belt legislation. While we fully support the proposal, the National Safety Council also supports highway trust fund sanctions in the final year of the upcoming reauthorization of the highway program.

MOTORCYCLE FATALITY INCREASES

Question. Motorcycle deaths have gone up every year since 1997 and the deaths of older cyclists have been rising for an even longer period. The early estimates for 2002 indicate that the overall number of motorcycle fatalities increased by 3 percent over 2001. And while the number of fatalities for younger riders decreased, for riders over the age of 50, there was an astounding 24 percent jump in the number of motorcyclists killed.

Mr. Hurley, where do you think NHTSA should concentrate its efforts to improve motorcycle safety?

Answer. The three areas where NHTSA should concentrate its efforts are: (1) defining through evaluation the contribution of repeal of helmet laws to the increased fatalities by State and nationally, (2) defining through peer reviewed evaluation the

extraordinary taxpayer subsidies to injured motorcyclists, such as the Harborview study of 10 years ago that found the costs of caring for injured motorcyclists at 64 percent paid by the taxpayers, and (3) defining through evaluation and reducing through enforcement the frequency of alcohol impaired motorcycle fatalities and injuries.

NHTSA'S PAID ADVERTISING PROGRAM

Question. Over the last few years, this subcommittee provided funding for paid media to support the highly successful "Click It or Ticket" program. In fact, the national ads for this program have been running this month during the seat belt mobilization campaign. This year, we expanded the program to include national media for the drunk driving mobilizations that will occur in July and December.

Dr. Runge and Mr. Hurley, what kind of feedback have you been getting about the "Click It or Ticket" ads?

Answer. The feedback on the advertising has been overwhelmingly positive. The Air Bag & Seat Belt Safety Campaign conducts both pre- and post-public opinion surveys before and after each Mobilization. There is now tracking data spanning the past 7 years.

Unaided recall of "Click It or Ticket" among all Americans jumped from 6 percent in the pre-test to 28 percent after the Mobilization. (Unaided recall means respondents could say with no prompting that the seat belt enforcement effort they had heard of was "Click It or Ticket" in an open end question.) Among the target audience of men 18-34, unaided recall of "Click It or Ticket" moved 30 percentage points from the pre-survey of 12 percent to the post-survey of 42 percent.

More importantly, recall of the ad is linked to higher recall of key campaign success measures such as perceived likelihood of getting a ticket for not wearing a seat belt and the perception that police are more aggressively enforcing seat belt laws. For the first time, there was a statistically significant increase in the percentage of men 18-34 who said their seat belt use had increased in the past 6 months. This age group is one of the hardest to reach with this type of public health message, according to researchers.

We also found clear evidence that cumulative advertising over repeated Mobilizations increases the overall effectiveness of the Mobilizations and the impact on key campaign success measures. These measures were all higher in States where paid advertising has run for consecutive years compared to States where paid advertising ran only in May 2003.

It's clear from this data that the ad campaign was effective in reaching and influencing our target audience.

NHTSA'S OVERSIGHT OF STATE SAFETY PROGRAMS

Question. The second word in the administration's SAFETEA proposal stands for "accountable." Yet, the recent report released by the General Accounting Office draws the conclusion that NHTSA has been inconsistent in holding the States accountable for their highway safety programs. The GAO reported that NHTSA's use of management reviews varied from region to region and that the regional offices have made limited and inconsistent use of improvement plans. While some States may do a good job at meeting their safety objectives, it is clear that others may benefit from greater input and guidance from NHTSA.

Ms. Hamilton and Mr. Hurley, how would you assess NHTSA's oversight of State highway safety plans and what specific changes would you suggest to improve their accountability?

Answer. The recent GAO report lays out very well the critical need for effective oversight by NHTSA of federally funded State programs. It simply was a mistake for NHTSA to unilaterally give up State plan approval. For the best performing States, the plan approval process should be minimal, with the emphasis on how NHTSA can best assist the achievement of excellence. For the middle tier States, the plan approval should make sure that scarce funding is only spent on those things proven to work. For the bottom performing States, there should be extensive review of the State programs, beginning with the data. Where States are unwilling or unable to meet reasonable objectives, there should be consideration of what other delivery mechanisms can best meet critical needs.

COORDINATED GOVERNMENTAL EFFORT TO FIGHT DRUNK DRIVING

Question. Roughly one-third of all drivers arrested or convicted for DUIs or DWIs were repeat offenders. These individuals are over-represented in fatal crashes and less likely to be influenced by education or legal sanctions. Given that these hard-core drinkers are probably the toughest individuals to reach, it seems that there

ought to be a coordinated governmental effort to reach them. Last year, we directed NHTSA to work with the Attorney General's office to identify the best strategies to reduce plea bargaining and to make sure that impaired driving convictions are applied in a consistent manner. Beyond that, I think it is important that we look at the public health aspects of this problem to make sure that people are getting the treatment that they need. I know that NHTSA spoke to the National Institute on Alcohol Abuse and Alcoholism in February about how the two agencies might work together on this very challenging problem.

Mr. Hurley and Ms. Hamilton, do you have any thoughts you would like to add?

Answer. Perhaps the most critical piece missing in the current effort to reduce drunk driving is now being implemented through the leadership of this subcommittee. The advent of national paid advertising to support coordinated enforcement will likely have substantial results. In North Carolina's "Booze It and Lose It" Campaign in 1995, arrests of intoxicated motorists at nighttime checkpoints were cut by more than half, to .87 percent. This remains one of the lowest levels ever achieved in this country. The National Safety Council also fully supports MADD's Hard Core Drunk Driver Initiative.

BLUE RIBBON COMMISSION ON HIGHWAY SAFETY

Question. The administration's SAFETEA proposal includes a total of \$7 million over 6 years for a National Blue Ribbon Commission on Highway Safety. The purpose of this safety commission is to study the Nation's highway safety needs and to make recommendations on how to reduce highway fatalities. The final report of the Commission would be delivered as late as February 1, 2009.

I'd like the entire panel to answer this question. Given what we know about the benefits of seat belts, tough drunk driving laws, and strong vehicle safety standards, why do we need 6 years and \$7 million to study a problem to which we already know the solutions?

Isn't this Commission just an excuse to put off meaningful action on the safety remedies that we already know work?

Answer. The National Safety Council believes that most national commissions have not delivered on their promise, requiring far more work and yielding few tangible results. One clear exception was President Reagan's Drunk Driving Commission which consolidated what was known and proven to work, providing a blue print for progress for the next 20 years. As Sen. Murray indicated, commissions are often a convenient way of postponing critical decisions, rather than enabling real progress to occur.

Much of what is necessary for reducing fatal and serious injuries on the highway is known in the peer review literature. What is lacking is often the political will to bring about progress. Commissions are a weak lever on political will. Before allowing such an initiative to go forward, thorough discussion and debate should take place on the Commission's precise leadership, membership, and scope. The Commission should also be strictly focused on only those efforts that have been proven to work.

CONCLUSION OF HEARINGS

Senator CAMPBELL. So I appreciate you appearing here, and the subcommittee is recessed. Thank you.

[Whereupon, at 11:58 a.m., Thursday, May 22, the hearings were concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]